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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9837

REGULATIONS GOVERNING THE TRANSFER OF LEAVE BETWEEN THE FOREIGN SERVICE AND OTHER GOVERNMENT AGENCIES

By virtue of the authority vested in me by sections 934 (b) and 935 of the Foreign Service Act of 1946, approved August 13, 1946, 60 Stat. 1028, 1029, and in the interest of the internal management of the Government, I hereby prescribe the following regulations governing the transfer of leave of persons assigned to the Foreign Service Reserve from other Government agencies and subsequently reinstated in such agencies, and of persons who resign from other Government agencies to accept appointments in the Foreign Service of the United States or who resign from the Foreign Service to accept appointments in other Government agencies:

1. Any person coming within the purview of sections 934 (b) and 935 of the Foreign Service Act of 1946 who elects to transfer his accumulated and accrued current annual leave from another Government agency to the Foreign Service or from the Foreign Service to another Government agency shall be required to transfer all of such leave up to the maximum amount of annual leave which may accumulate and accrue in the agency into which such person is entering as of the date of his entrance.

2. In computing transfers of leave effected under the provisions of sections 934 (b) and 935 of the Foreign Service Act of 1946, five work-days of leave shall be regarded as equivalent to seven calendar days of leave.

3. The provision of section 935 of the Foreign Service Act of 1946 that "in no event shall the amount of annual or sick leave of absence so transferred exceed the maximum amount of the annual or sick leave of absence which may be accumulated in either the Service or the Government agency to which such person is appointed" shall be construed to mean that in no event shall the amount of annual or sick leave so transferred exceed the maximum amount of annual or sick leave which may accumulate and currently accrue in either

the Foreign Service or the Government agency to which such person is appointed, as the case may be.

4. This order shall be effective as of November 13, 1946.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 27, 1947.

[F. R. Doc. 47-3032; Filed, Mar. 27, 1947;
4:06 p. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

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AUTHORITY: §§ 930.0 to 930.15, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246, 7 U. S. C. 601 et seq.

§ 930.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), and the rules of practice and procedure covering the formulation of marketing agreements and marketing orders (7 CFR, Cum. Supp., 600.1 et seq.; 10 F. R. 11791; 11 F. R. 7737; 12 F. R. 1159), as amended, a public hearing was held September 5, 1946, and reopened September 16, 1946, upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as

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amended, regulating the handling of milk in the Toledo, Ohio, marketing area. It is hereby found upon the basis of evidence introduced at such hearing, in addition to the other findings made prior to or at the time of the original issuance of said order and of each amendment thereto (which findings are hereby ratified and affirmed, save only as such findings are in conflict with the findings hereinafter set forth), that:

(1) The order regulating the handling of milk in the said marketing area, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the Toledo, Ohio, marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sections 2 and 8e of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices set forth in the said order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found that a pro rata assessment on handlers at a rate not to exceed 2 cents per hundredweight with respect to all receipts by the handler, during each delivery period, of producer milk (including the handler's own production), and

of other source milk classified as Class I milk and Class II milk, will provide the funds necessary for the maintenance and functions of the market administrator in the administration of this order and such assessment is hereby approved.

(c) *Determinations.* It is hereby determined that handlers (including cooperative associations of producers who are not engaged in the processing, distributing, or shipping of the milk covered by this order, as amended) of at least 50 percent of the volume of milk covered by this order, as amended, and as hereby further amended, which is marketed within the Toledo, Ohio, marketing area refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order further amending the aforesaid order, as amended, is approved or favored by at least three-fourths of the producers who, during the determined representative period (December 1946), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is hereby ordered, That such handling of milk in the Toledo, Ohio, marketing area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended to read as follows:

§ 930.1 *Definitions.* The following terms as used in this part shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary.

(c) "Department of Agriculture" means the United States Department of Agriculture.

(d) "Person" means an individual, partnership, corporation, association, or any other business unit.

(e) "Toledo, Ohio, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the City of Toledo, and the towns and villages of Ottawa Hills, Maumee, Sylvania, Harbor View, and Trilby in Lucas County, also the townships of Monelova, Springfield, Adams, Sylvania, Washington, Jerusalem, and Oregon in Lucas County, and the village of Rossford and the townships of Perrysburg,

Ross, and Lake in Wood County, all in the State of Ohio; the village of Lakeside, and the territory within the townships of Whiteford, Bedford, and Erie in Monroe County, in the State of Michigan.

(f) "Delivery period" means the calendar month, or the portion thereof, during which the provisions of this part are effective.

(g) "Fluid milk plant" means a plant or other facilities used in the preparation or processing of milk for sale or disposition in the marketing area as Class I milk all, or a portion, of which is so sold or disposed of on the premises or from such plant (or facilities) to a wholesale or retail stop(s) other than a plant of a handler or nonhandler.

(h) "Producer" means any person who produces milk received (1) at a fluid milk plant, or (2) at any other plant by diversion from a fluid milk plant on the account of a handler or a cooperative association: *Provided*, That the person producing milk holds a dairy farm inspection permit issued by the appropriate health authority of the community for which the milk is produced, if such community requires such permit for milk for disposition as Class I milk therein.

(i) "Handler" means (1) any person who operates a fluid milk plant, or (2) any association of producers with respect to producer milk diverted by it from a fluid milk plant to any plant of a nonhandler for the account of such association.

(j) "Producer-handler" means a person who is a handler and who produces milk, but receives no milk from other producers.

(k) "Producer milk" means milk produced by one or more producers under the conditions set forth in paragraph (h) of this section.

(l) "Other source milk" means all skim milk and butterfat in any form received from a source other than a producer or handler (who is not a producer-handler), except any nonfluid milk product other than cottage cheese so received which is disposed of in the same form.

(m) "Nonhandler" means any person who is not a handler, but who operates a milk manufacturing or processing plant.

(n) "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association: (1) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (2) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its product for its members; and (3) to have all of its activities under the control of its members.

§ 930.2 *Market administrator*—(a) *Designation.* The agency for the administration in this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

(b) *Powers.* The market administrator shall have the following powers with respect to this part:

(1) To administer its terms and provisions;

(2) To receive, investigate, and report to the Secretary complaints of violations;

(3) To make rules and regulations to effectuate its terms and provisions; and

(4) To recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(1) Within 30 days following the date on which he enters upon his duties execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(3) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(4) Pay, out of the funds provided by § 930.8:

(i) The cost of his bond and of the bonds of his employees;

(ii) His own compensation; and

(iii) All other expenses, except those incurred under § 930.9, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(5) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(6) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (i) reports pursuant to § 930.3, or (ii) payments pursuant to §§ 930.7, 930.8, 930.9, or 930.10;

(7) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(8) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this part; and

(9) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(i) On or before the 5th day after the end of such delivery period, the minimum class prices and the butterfat differential for each class computed pursuant to § 930.5, and

(ii) On or before the 12th day after the end of such delivery period, the uniform price computed pursuant to § 930.6

(b) and the butterfat differential computed pursuant to § 930.7 (c).

§ 930.3 *Reports, records, and facilities*—(a) *Delivery period reports of receipts and utilization.* On or before the 5th day after the end of each delivery period, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator the following information with respect to all milk received from producers, all milk, skim milk, cream, and milk products received from other handlers, all other source milk received during the delivery period at his fluid milk plant(s), and milk diverted pursuant to § 930.1 (h) (2):

(1) The quantities of butterfat and skim milk contained in such receipts, and their sources;

(2) The utilization of such receipts; and

(3) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

(b) *Other reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows, except that each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request:

(1) On or before the 20th day after the end of each delivery period his producer pay roll for the delivery period, which shall show (i) the pounds of milk and the percentages of butterfat contained therein received from each producer; (ii) the amounts and dates of payments to each producer or cooperative association; and (iii) the nature and amount of each deduction or charge involved in the payments referred to in subdivision (ii) of this subparagraph.

(2) On or before the 5th day after request by the market administrator, a schedule of rates which are charged and paid for the transportation of milk from the farm of each producer to such handler's fluid milk plant. Any changes made in this schedule of transportation rates and the effective dates thereof shall be reported to the market administrator within 5 days of such change.

(c) *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports, or to ascertain the correct information with respect to (1) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of, in the same form; (2) the weights and tests for butterfat and for other contents of all milk and milk products handled; and (3) payments to producers and cooperative associations.

§ 930.4 *Classification*—(a) *Basis of classification.* All (1) producer milk received by a handler, (2) skim milk and butterfat in any form received by a handler from other handlers, and (3) other

source milk received by a handler at a fluid milk plant, shall be classified in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (c), (d), (e), (f), (g), and (h) of this section, the classes of utilization shall be:

(1) Class I milk shall be all skim milk and butterfat disposed of in fluid form as (i) milk; skim milk or buttermilk, except for livestock feed; or flavored milk or flavored milk drink; and (ii) all skim milk and butterfat not accounted for as Class II milk or Class III milk.

(2) Class II milk shall be all skim milk and butterfat disposed of as sweet or sour cream; any cream product in fluid form which contains less than the minimum butterfat required for fluid cream, eggnog, or creamed cottage cheese.

(3) Class III milk shall be all skim milk and butterfat accounted for (i) as used to produce a product other than those specified in subparagraphs (1) and (2) of this paragraph, (ii) as actual plant shrinkage of skim milk and butterfat received in producer milk, but not to exceed 2 percent of such receipts of skim milk and butterfat, respectively, and (iii) as actual plant shrinkage of skim milk and butterfat, respectively, in other source milk received: *Provided*, That if producer milk is utilized as milk, skim milk, or cream in conjunction with other source milk, the shrinkage allocated to producer milk shall be computed pro rata according to the proportions of the volumes of skim milk and butterfat, respectively, received from such sources to their total.

(c) *Interhandler and nonhandler transfers.* (1) Skim milk and butterfat disposed of by a handler to another handler in the form of milk or skim milk shall be Class I milk, and skim milk and butterfat so disposed of in the form of cream shall be Class II milk, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the delivery period within which such transfer was made: *Provided*, That in no event shall the amount so reported be greater than the amount used in such class by the receiving handler.

(2) Skim milk and butterfat disposed of in the form of milk or skim milk by a handler to a nonhandler's plant located less than 100 miles from the City Hall at Toledo, Ohio, by the shortest highway distance as determined by the market administrator, shall be Class I milk, and skim milk and butterfat so disposed of in the form of cream shall be Class II milk, unless (i) utilization is mutually indicated in writing to the market administrator by both the handler and nonhandler on or before the 5th day after the end of the delivery period within which such transfer was made, and (ii) the nonhandler maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the verification of such mutually indicated utilization.

(3) Skim milk and butterfat disposed of in the form of milk or skim milk by a handler to a nonhandler's plant located 100 miles or more from the City Hall at Toledo, by the shortest highway distance as determined by the market administrator, shall be Class I milk, and skim milk and butterfat so disposed of in the form of cream shall be Class II milk.

(d) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(2) Any skim milk or butterfat classified in one class shall be reclassified if used or reused by such handler or by another handler in another class.

(e) *Computation of skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and for obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

(f) *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to producer milk:

(1) Subtract from the total pounds of butterfat in Class III milk the total pounds of butterfat shrinkage pursuant to paragraph (b) (3) (ii) and (iii) of this section;

(2) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat received from other handlers and used in such class;

(3) Determine the pounds of butterfat in other source milk to be prorated pursuant to subparagraph (5) of this paragraph as the smallest of the following amounts:

(i) The pounds of butterfat in other source milk received in the form of milk or skim milk;

(ii) The difference by which the pounds of butterfat received in producer milk are less than 1.2 times the pounds of butterfat in the handler's Class I milk, not including that disposed of to other fluid milk plants; and

(iii) The total pounds of butterfat in other source milk less the amount of the butterfat shrinkage on other source milk subtracted pursuant to subparagraph (1) of this paragraph;

(4) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk other than (i) butterfat shrinkage on other source milk subtracted pursuant to subparagraph (1) of this paragraph, and (ii) butterfat in other source milk determined pursuant to subparagraph (3) of this paragraph;

(5) Subtract pro rata from the pounds of butterfat remaining in each class, the pounds of butterfat in other source milk determined pursuant to subparagraph (3) of this paragraph; and

(6) Add to the pounds of butterfat remaining in Class III milk the pounds of

butterfat shrinkage in producer milk subtracted pursuant to subparagraph (1) of this paragraph; or if the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest-priced utilization.

(g) *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to producer milk in a manner similar to that prescribed for butterfat in paragraph (f) of this section.

(h) *Determination of producer milk in each class.* Add the pounds of butterfat and pounds of skim milk allocated to producer milk in each class, respectively, as computed pursuant to paragraphs (f) and (g) of this section, and determine the percentage of butterfat in each class.

§ 930.5 *Minimum prices.*—(a) *Class prices.* Subject to the provisions of paragraphs (c) and (d) of this section, each handler shall pay not less than the following prices per hundredweight, on the basis of 3.5 percent butterfat content, for producer milk received.

(1) *Class I milk price.* To the basic formula price add the following amounts for the delivery period indicated:

Delivery period:	Amount
May and June.....	\$0.75
September, October, November, and December.....	1.05
All others.....	.95

(2) *Class II milk price.* To the basic formula price add the following amounts for the delivery periods indicated:

Delivery period:	Amount
May and June.....	\$0.15
September, October, November, and December.....	.45
All others.....	.35

(3) *Class III milk price.* The Class III milk price shall be the average (computed to the nearest tenth of a cent) of the basic (or field) prices per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following locations for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 5th day after the end of the delivery period by the companies indicated below:

Company and Location

Pet Milk Co., Wauseon, Ohio.
 Pet Milk Co., Delta, Ohio.
 Defiance Milk Products Co., Defiance, Ohio.
 Pet Milk Co., Hudson, Michigan.

(b) *Basic formula price.* The basic formula price per hundredweight (computed to the nearest tenth of a cent) to be used in determining the class prices pursuant to paragraph (a) of this section shall be the highest of the prices per hundredweight for milk of 3.5 percent butterfat content computed pursuant to paragraph (a) (3) of this section, or to subparagraphs (1), (2), and (3) of this paragraph.

(1) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period

at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 5th day after the end of the delivery period by the companies indicated below:

Companies and Locations

Borden Co., Black Creek, Wis.
 Borden Co., Greenville, Wis.
 Borden Co., Mt. Pleasant, Mich.
 Borden Co., New London, Wis.
 Borden Co., Orfordville, Wis.
 Carnation Co., Berlin, Wis.
 Carnation Co., Jefferson, Wis.
 Carnation Co., Chilton, Wis.
 Carnation Co., Oconomowoc, Wis.
 Carnation Co., Richland Center, Wis.
 Carnation Co., Sparta, Mich.
 Pet Milk Co., Belleville, Wis.
 Pet Milk Co., Coopersville, Mich.
 Pet Milk Co., Hudson, Mich.
 Pet Milk Co., New Glarus, Wis.
 Pet Milk Co., Wayland, Mich.
 White House Milk Co., Manitowoc, Wis.
 White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed as follows:

(i) Multiply by six the average daily wholesale price per pound of 92-score butter at Chicago as reported by the Department of Agriculture during the delivery period;

(ii) Add an amount equal to 2.4 times the arithmetical average of the weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by seven, and add 30 percent thereof, and then multiply by 3.5.

(3) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, subtract three cents, add 20 percent thereof, and then multiply by 3.5; and

(ii) From the arithmetical average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed), spray and roller process, f. o. b. manufacturing plants in the Chicago area, as published by the Department of Agriculture during the delivery period, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965, except that if such agency does not publish such prices f. o. b. manufacturing plants, there shall be used for the purpose of this computation the arithmetical average of the carlot prices thereof, delivered at Chicago, Illinois, as published weekly by such agency during the delivery period; and in the latter event the figure "7.5" shall be substituted for "5.5" in the above formula.

(c) *Butterfat differentials to handlers.* If the weighted average butterfat test of that portion of producer milk which is classified, respectively, in any class of utilization for a handler, pursuant to § 930.4 (h), is more or less than 3.5 percent, there shall be added to, or sub-

tracted from, as the case may be, the price for such class of utilization, for each one-tenth of one percent that such weighted average butterfat test is above or below, respectively, 3.5 percent, a butterfat differential (computed to the nearest tenth of a cent) calculated for each class of utilization as follows:

(1) *Class I milk.* Multiply by 1.3 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10;

(2) *Class II milk.* Multiply by 1.25 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10; and

(3) *Class III milk.* Multiply by 1.2 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10.

(d) *Emergency price provisions.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum price established by regulations of any Federal agency plus the amount of such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

§ 930.6 *Handler's obligation and uniform price—(a) Value of milk.* The value of producer milk of each handler for each delivery period shall be a sum of money computed by the market administrator by multiplying by the respective class prices pursuant to § 930.5, the amounts in each class computed pursuant to § 930.4 (h), and adding together such amounts: *Provided*, That, if a handler, after the subtraction of other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which on the basis of his report for the delivery period pursuant to § 930.3 (a), has been credited to his producers as having been received from them, there shall be added an amount computed by multiplying the pounds in each class as subtracted pursuant to paragraphs (f) (6) and (g) of § 930.4 by the applicable class prices.

(b) *Uniform price.* For each delivery period the market administrator shall compute for each handler a "uniform price" per hundredweight, on the basis of 3.5 percent butterfat content, for producer milk received by such handler as follows:

(1) From the value of milk computed for such handler pursuant to paragraph (a) of this section, deduct, if the weighted average butterfat test of all producer milk received by him is greater than 3.5 percent or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the variance of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 930.7 (c) multiplied by 10;

(2) Add or subtract, as the case may be, the amount necessary to correct errors in classification for previous delivery periods as disclosed by audit of the market administrator;

(3) Adjust the resulting amount by the sum of money used in adjusting the uniform price, pursuant to subparagraph (5) of this paragraph, for the previous delivery period to the nearest cent;

(4) Divide the result by the total hundredweight of producer milk represented by the value computed pursuant to paragraph (a) of this section; and

(5) Adjust the resulting figure to the nearest cent.

(c) *Notification.* On or before the 12th day after the end of each delivery period, the market administrator shall mail to each handler, at his last known address, a statement showing:

(1) The amount and value of his producer milk in each class;

(2) The uniform price for such handler pursuant to paragraph (b) of this section and the butterfat differential computed pursuant to § 930.7 (c); and

(3) The totals of the amounts to be paid by such handler pursuant to §§ 930.8 and 930.9.

§ 930.7 *Payment for milk—(a) Time and method of final payment.* On or before the 15th day after the end of each delivery period, each handler shall make payment to each producer for milk received from such producer during such delivery period at not less than the uniform price for such handler adjusted by the butterfat differential pursuant to paragraph (c) of this section, less the amount of the payment made pursuant to paragraph (b) of this section.

(b) *Partial payments.* On or before the last day of each delivery period, each handler shall make payment to each producer at not less than the uniform price for such handler for the preceding delivery period, for milk received from such producer by such handler during the first 15 days of such delivery period: *Provided*, That in the event such producer discontinues shipping to such handler during the delivery period, such partial payments shall not be made and full payment for all milk received from such producer during the delivery period shall be made on the 15th day after the end of the delivery period pursuant to paragraph (a) of this section.

(c) *Producer butterfat differential.* In making payments pursuant to paragraph (a) of this section the uniform price for each handler shall be adjusted, for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential (computed to the nearest multiple of one-half cent) calculated as follows: Multiply by 1.2 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10.

§ 930.8 *Expense of administration.* As his pro rata share of expense incurred pursuant to § 930.2 (c) (4), each handler shall pay the market administrator, on or before the 15th day after the end of each delivery period, 2 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to receipts, during the delivery period, of (1) milk from producers (including such handler's own production), and (2) other source milk received at a fluid milk plant and classified as Class I milk or Class II milk.

§ 930.9 *Marketing services—(a) Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 930.7 (a), with respect to all milk received from each producer (except milk of such handler's own production), at a plant not operated by a cooperative association of which such producer is a member, shall deduct 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe; and on or before the 15th day after the end of such delivery period, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of milk of such producers and to provide such producers with market information, such services to be performed by the market administrator, or by an agent engaged by and responsible to him.

(b) *Cooperative associations.* In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 930.7 (a) as may be authorized by such producers, and pay such deductions on or before the 15th day after the end of such delivery period to the cooperative association rendering such services of which such producers are members.

§ 930.10 *Adjustments of accounts—(a) Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator

from such handler, or such handler from the market administrator pursuant to §§ 930.8 or 930.9, or (2) any producer or cooperative association from such handler pursuant to § 930.7, the market administrator shall promptly notify such handler of any such amount due; and said payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 930.11 *Application of provisions—*

(a) *Exempt milk.* Milk received at a plant of a handler the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions of this part.

(b) *Milk caused to be delivered by cooperative associations.* Milk referred to herein as received from producers by a handler shall include milk of producers caused to be delivered directly from the farm to the fluid milk plant of such handler by a cooperative association which is authorized to collect payment for such milk.

(c) *Diverted milk.* (1) Producer milk diverted by an operator of a fluid milk plant from such plant to a nonhandler's plant shall be deemed to have been received by the fluid milk plant from which such milk was diverted.

(2) Producer milk diverted by a cooperative association from a fluid milk plant to a nonhandler's plant shall be deemed to have been received by such association.

(d) *Producer-handlers.* Sections 930.4, 930.5, 930.6, 930.7, 930.8, 930.9, and 930.10 shall not apply to the milk of a producer-handler.

§ 930.12 *Effective time.* The provisions of this part, or of any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 930.13 *Suspension or termination—*

(a) *When suspended or terminated.* The Secretary shall, whenever he finds that this part, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision thereof.

(b) *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

(c) *Liquidation.* Upon the suspension of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or

control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 930.14 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 930.15 *Separability of provisions.* If any provision of this part, or its application to any person or circumstance, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 24th day of March 1947, to be effective on and after the 1st day of April 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Approved: March 25, 1947.

PHILIP B. FLEMING,
Administrator, Office of Temporary Controls.

[F. R. Doc. 47-2964; Filed, Mar. 28, 1947;
8:49 a. m.]

PART 935—MILK IN OMAHA-COUNCIL
BLUFFS MARKETING AREA

ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE OMAHA-COUNCIL BLUFFS MARKETING AREA

Sec.	
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935.10	Liability.
935.11	Agents.

AUTHORITY: §§ 935.0 to 935.11, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.

§ 935.0 *Findings and determinations—*

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and the rules of practice and procedure governing proceedings to for-

mulate marketing agreements and marketing orders (7 CFR, Cum. Supp., 900.1 et seq.; 10 F. R. 11791; 11 F. R. 7737; 12 F. R. 1159), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Omaha-Council Bluffs marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof it is hereby found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which a hearing has been held;

(3) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supply of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the said order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

The foregoing findings are supplementary to and in addition to the findings made in connection with the issuance of the aforesaid order and of each of the previously issued amendments hereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order, as amended) of at least 50 percent of the volume of milk covered by said order, as amended and as hereby further amended, which is marketed within the Omaha-Council Bluffs marketing area, refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the Omaha-Council Bluffs marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, as amended and as hereby further amended, is the only practical means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Omaha-Council Bluffs marketing area; and

(3) The issuance of this order, as amended and as hereby further amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period, November 1946, were engaged in the production of milk for sale in the Omaha-Council Bluffs marketing area.

Order relative to handling. It is therefore ordered, That from and after the effective date hereof, the handling of milk in the Omaha-Council Bluffs marketing area shall be in conformity to and in compliance with the terms and conditions of this order, as amended.

§ 935.1 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

(c) "Omaha-Council Bluffs marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the cities of Omaha, Nebraska, and Council Bluffs, Iowa; the territory within Kane, Lake, Garner, and Lewis townships in Pottawattamie County, Iowa; and the territory within East Omaha, Florence, Union, Benson, McHugh, Moorehead, McArdle, Loveland, Ralston, Ashland and May precincts in Douglas County, Nebraska; and the territory within Gilmore, Highland, and Bellevue townships in Sarpy County, Nebraska.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person, irrespective of whether such person is also a handler, who, in accordance with the applicable health regulations, produces milk which is received at a plant where milk is processed and packaged and from which skim milk and butterfat are disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area. This definition shall include any person who produces milk which a cooperative association causes to be diverted from the plant of a handler to the plant of a nonhandler for the account of such cooperative association.

(f) "Handler" means any person in his capacity as the operator of a plant where milk is processed and packaged and from which skim milk and butterfat are disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area. This definition shall include a cooperative association with respect to milk which it causes to be delivered from a producer to a handler or which it causes to be diverted to the plant of a nonhandler for the account of such cooperative association.

(g) "Producer-handler" means any person who is both a producer and a

handler and who receives no milk from other producers or associations of producers, with respect to whom the market administrator has determined that (1) the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk are the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (2) the processing, packaging, and distribution of milk are the personal enterprise of and at the personal risk of such person in his capacity as a handler.

(h) "Nonhandler" means any person in his capacity as the operator of a milk processing plant from which skim milk and butterfat are not disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area.

(i) "Cooperative association" means any cooperative association of producers which the Secretary determines (1) to have its entire activities under the control of its members, and (2) to have and to be exercising full authority in the sale of milk of its members.

(j) "Producer milk" means any skim milk or butterfat which is produced by a producer, other than a producer-handler, and which is received by a handler either directly from producers or from other handlers.

(k) "Other source milk" means any skim milk or butterfat other than that contained in producer milk or emergency milk.

(l) "Emergency milk" means skim milk and butterfat which is received by a handler as fluid milk during the months of September, October, November, and December from the plant of a nonhandler which is approved by the proper health authorities for the sale of Class I milk within the marketing area.

(m) "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

(n) "Market administrator" means the agency which is described in § 935.2 for the administration of this part.

(o) "Delivery period" means a calendar month, or the portion thereof during which the provisions hereof are effective.

§ 935.2 *Market administrator*—(a) *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions of this part; and

(2) Report to the secretary complaints of violations of the provisions of this part.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties,

execute and deliver to the secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the secretary;

(2) Pay out of the funds provided by § 935.8 the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(3) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the secretary may designate;

(4) Unless otherwise directed by the secretary, publicly disclose to handlers and producers the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 935.3 or (ii) made payments pursuant to § 935.7;

(5) Promptly verify the information contained in the reports submitted by handlers; and

(6) Publicly announce by such means as he deems appropriate, the prices determined for each delivery period as follows:

(i) On or before the 3d day after the end of each delivery period, the minimum class prices computed pursuant to § 935.5, and the butterfat differential computed pursuant to § 935.7 (a) (3).

(ii) On or before the 7th day after the end of each delivery period, the uniform price computed pursuant to § 935.6 (b) (5).

§ 935.3 *Reports, records and facilities*—(a) *Delivery period reports of receipts and utilization.* (1) On or before the 5th day after the end of each delivery period, each handler, who purchases or receives milk from producers or associations of producers shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(i) The respective quantities of skim milk and butterfat contained in the producer milk, other source milk (except products disposed of in the form in which received without further processing or packaging in the plant of the handler), and emergency milk received during the delivery period;

(ii) The quantities of skim milk and butterfat contained in the opening and closing inventories;

(iii) The utilization of all skim milk and butterfat reported pursuant to subdivisions (i) and (ii) of this subparagraph; and

(iv) Such other information with respect to such receipts and utilization as the market administrator may request.

(2) *Mid-delivery period reports.* On or before the 20th day of each delivery period each handler shall report to the market administrator the pounds of milk received by him from each producer or association of producers during the first 15 days of the delivery period.

(3) *Producer-handler and other handler reports.* Each producer-handler and each handler who receives milk only of his own production or from other handlers which are not cooperative associations, shall make reports to the market

administrator at such time and in such manner as the market administrator may request.

(4) *Reports of payments to producers.* On or before the 15th day after the end of each delivery period, each handler shall submit to the market administrator his producer payroll for the delivery period which shall show for each producer:

(i) The total pounds of milk received and the average butterfat content thereof;

(ii) The price, amount and date of payment made pursuant to § 935.7; and

(iii) The nature and amount of each deduction or charge involved in the payments referred to in subdivision (ii) of this subparagraph.

(b) *Records and facilities.* Each handler shall maintain and make available to the market administrator, or his representative, during the usual hours of business, such accounts and records of his operations, including those of any other handler or nonhandler upon whose utilization the classification of milk depends, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to:

(1) The receipts and utilization, in whatever form, of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section;

(2) The weights and tests for butterfat and other contents of all milk and milk products received or utilized; and

(3) Payments to producers or cooperative associations.

§ 935.4 *Classification of milk—(a) Skim milk and butterfat to be classified.* Skim milk and butterfat contained in all milk, skim milk, cream and milk products (except milk products disposed of in the form in which received without further processing or packaging in the plant of the handler) which during the delivery period were received by a handler or caused by a cooperative association to be diverted to the plant of a nonhandler, shall be classified by the market administrator in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (c), (d), and (e) of this section, the classes of utilization shall be as follows:

(1) Class I milk shall be all skim milk and butterfat disposed of in the form of milk containing more than 1 percent butterfat, or in the form of flavored milk drinks regardless of butterfat content, and all skim milk and butterfat not specifically accounted for as Class II milk or Class III milk.

(2) Class II milk shall be all skim milk and butterfat disposed of as cream, either sweet or sour (including any mixture of butterfat and skim milk containing more than 6 percent butterfat) for consumption in fluid form.

(3) Class III milk shall be all skim milk and butterfat specially disposed of as animal feed or used to produce any milk product other than those specified in subparagraphs (1) and (2) of this paragraph, and actual plant shrinkage up to but not in excess of (i) 5 percent of the total receipts of skim milk except skim

milk received from other handlers which are not cooperative associations, and (ii) 2 percent of the total receipts of butterfat except butterfat received from other handlers which are not cooperative associations.

(c) *Classification of milk transferred or received.* (1) Skim milk and butterfat, when transferred or diverted by a handler which is not a cooperative association to another handler who receives milk from producers or associations of producers, shall be Class I if transferred in the form of milk or skim milk, and Class II if transferred in the form of cream: *Provided*, That if the selling handler, on or before the 5th day after the end of the delivery period during which such transfer is made, furnished to the market administrator a statement signed by the buyer indicating that such skim milk or butterfat was used in a different class, such skim milk or butterfat may be assigned to the indicated class up to the amount thereof remaining in such class in the plant of the buyer after the subtraction of other source milk pursuant to paragraph (f) (2) of this section.

(2) Skim milk and butterfat when transferred or diverted by a handler which is not a cooperative association to a producer-handler shall be Class I if transferred in the form of milk or skim milk, and Class II if transferred in the form of cream.

(3) Skim milk and butterfat which is caused to be delivered from producers to the plant of a handler by a cooperative association which is a handler for the account of such cooperative association shall be ratably apportioned over the receiving handler's total utilization of producer milk.

(4) Skim milk and butterfat when transferred or diverted by a handler, including a cooperative association which is a handler, to the plant of a nonhandler shall be Class I if transferred in the form of milk or skim milk, and Class II if transferred in the form of cream: *Provided*, That if the selling handler, on or before the 5th day after the end of the delivery period during which such transfer is made, furnishes to the market administrator a statement signed by the buyer indicating that such skim milk or butterfat was used in a different class and that such utilization may be audited by the market administrator at the receiving plant such skim milk and butterfat may be classified accordingly: *Provided further*, That if upon audit of the buyer's records it is found that the use of skim milk and butterfat in the buyer's plant in the indicated disposition is less than the amount certified to have been so used, any remaining amount shall be classified in the next available higher use classification.

(5) Skim milk and butterfat received by a handler as other source milk shall be classified in the lowest class in which such handler has use.

(6) Skim milk and butterfat received by a handler as emergency milk shall be ratably apportioned over the receiving handler's total utilization of milk.

(7) Skim milk and butterfat of a handler's own production shall be ratably apportioned over such handler's total utilization of producer milk.

(d) *Responsibility of handlers and reclassification of milk.* (1) In establishing the classification of skim milk and butterfat as required in paragraph (b) of this section, the burden rests upon the handler who received such skim milk or butterfat from producers or associations of producers to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(2) Any skim milk or butterfat which has been classified by the market administrator shall be reclassified, if found by him to have been used or disposed of (whether in original or other form) by such handler or by any other handler or nonhandler in another class.

(e) *Computation of all skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and shall compute the respective amounts of skim milk and butterfat in Class I milk, Class II milk, and Class III milk as follows:

(1) Compute the total pounds of skim milk and butterfat received by adding together the respective amounts of skim milk and butterfat (i) contained in the milk, skim milk, and cream, and (ii) used to produce the milk products (except milk products disposed of in the form in which received without further processing or packaging by the handler) received from all sources;

(2) Compute the total pounds of butterfat in Class I by (i) converting to pounds on the basis of 2.15 pounds per quart the volume disposed of in each of the several items of Class I milk, (ii) multiplying each of the resulting amounts by its average butterfat test, (iii) adding together the results so obtained, and (iv) adding an amount equal to the difference between the total pounds of butterfat computed pursuant to subparagraph (1) of this paragraph, and the total pounds of butterfat computed pursuant to subparagraphs (2) (iii), (4) (ii) and (6) of this paragraph;

(3) Compute the total pounds of skim milk in Class I by (i) subtracting from the total pounds of Class I milk determined pursuant to subparagraph (2) (i) of this paragraph, the pounds of butterfat computed pursuant to subparagraph (2) (iii) of this paragraph, (ii) subtracting the weight of the flavoring materials used in flavored milk drinks, and (iii) adding an amount equal to the difference between the total pounds of skim milk computed pursuant to subparagraph (1) of this paragraph, and the total pounds of skim milk computed pursuant to subparagraphs (3) (ii), (5) (ii), and (7) of this paragraph;

(4) Compute the total pounds of butterfat in Class II by (i) multiplying the actual weight of each of the several items of Class II milk by its average butterfat test, and (ii) adding the results so obtained;

(5) Compute the total pounds of skim milk in Class II by (i) adding together the actual weights of each of the several items of Class II, and (ii) subtracting the pounds of butterfat determined pursuant to subparagraph (4) (ii) of this paragraph;

(6) Compute the total pounds of butterfat in Class III by (i) multiplying by its average butterfat content the actual weight of each of the several items of Class III milk, (ii) adding together the resulting amounts, and (iii) adding, the amount of butterfat allowed as plant shrinkage pursuant to subparagraph (8) of this paragraph;

(7) Compute the total pounds of skim milk in Class III by (i) computing the total pounds of skim milk used to produce each of the several items of Class III milk, (ii) adding together the resulting amounts, and (iii) adding the amount of skim milk allowed as plant shrinkage pursuant to subparagraph (9) of this paragraph;

(8) The amount of butterfat to be allowed as plant shrinkage shall be the smaller of the following amounts: (i) 2 percent of the total receipts of butterfat by the handler, exclusive of receipts from other handlers which are not co-operative associations, or (ii) the amount, if any, by which the sum of the pounds of butterfat computed pursuant to subparagraphs (2) (iii), (4) (ii) and (6) (ii) of this paragraph is less than the total receipts of butterfat by the handler; and

(9) The amount of skim milk to be allowed as plant shrinkage shall be the smaller of the following amounts: (i) 5 percent of the total receipts of skim milk by the handler, exclusive of receipts from other handlers which are not co-operative associations; or (ii) the amount, if any, by which the sum of the pounds of skim milk computed pursuant to subparagraphs (3) (ii), (5) (ii) and (7) (ii) of this paragraph are less than the total receipts of skim milk by the handler.

(f) *Computation of the classification of skim milk and butterfat in producer milk for each handler.* For each delivery period the market administrator shall compute for each handler the respective amounts of skim milk and butterfat of producer milk in each class by making the following computations in the order specified: (1) Subtract from the pounds of butterfat and skim milk in Class III the pounds of actual plant shrinkage allocated to producer milk computed by multiplying the respective amounts of plant shrinkage computed pursuant to paragraphs (e) (8) and (9) by the percentages that skim milk and butterfat in receipts of producer milk are to total receipts of skim milk and butterfat by the handler, exclusive of receipts from other handlers.

(2) Subtract from the remaining pounds of skim milk and butterfat in series beginning with the lowest-priced classes the skim milk and butterfat, respectively, received as other source milk.

(3) Subtract pro rata from the remaining pounds of skim milk and butterfat in each class, the total pounds of skim milk and butterfat, respectively, contained in the receipts of emergency milk.

(4) Subtract from the remaining pounds of skim milk and butterfat in each class, the total pounds of skim milk and butterfat respectively received from other handlers and stated by the receiving handler to have been used in such

class; *Provided*, That if the skim milk or butterfat allocated by such statements to Class III or Class II is in excess of the amount of skim milk or butterfat remaining in such class, an amount equal to the difference shall be subtracted from the next higher-priced available class.

(5) Add to the remaining pounds of skim milk and butterfat respectively in Class III the pounds of actual plant shrinkage allocated to producer milk and subtracted pursuant to subparagraph (1) of this paragraph.

(6) Subtract pro rata from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat of the handler's own production.

(7) Subtract pro rata from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat received from a co-operative association which is a handler.

(8) If the sum of the amounts of skim milk or butterfat remaining in all classes, after making the above computations is greater than the handlers' receipts of skim milk or butterfat from producers, decrease the amount of skim milk or butterfat in the lowest-priced available class or classes by the amount of such excess.

§ 935.5 Minimum prices—(a) Basic formula price to be used in computing class prices. The basic formula price to be used in computing the minimum prices per hundredweight for Class I milk and Class II milk for each delivery period shall be the higher of the prices calculated pursuant to subparagraphs (1) or (2) of this paragraph.

(1) The average of the basic (or field) prices reported to have been paid for milk of 3.5 percent butterfat content received during the next preceding delivery period at the following plants for which prices are reported to the market administrator or to the Department of Agriculture, divided by 3.5 percent, and multiplied by 3.8 percent and adjusted to the nearest cent:

Concern and Location of Plant

Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Milk Co., Northfield, Minn.
Carnation Milk Co., Oregon, Ill.
Carnation Milk Co., Waverly, Iowa.
Dean Milk Co., Pearl City, Ill.
Dean Milk Co., Pecatonica, Ill.
Fort Dodge Creamery Co., Fort Dodge, Iowa.
Libby, McNeill & Libby Co., Morrison, Ill.
Pet Milk Co., Shullsburg, Wis.
United Milk Products Co., Argo, Ill.

(2) The price adjusted to the nearest cent, calculated by the market administrator as follows: (i) To the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the Department of Agriculture for the delivery period during which such milk is received, add or subtract one-fourth cent for each cent that such price is above or below 20 cents, (ii) multiply the result by 3.8, (iii) add 21 cents, and (iv) add 3 cents for each full one-half cent that the price of nonfat dry milk solids for human consumption is above 7 cents per pound. The price per pound of nonfat dry milk solids to be used shall

be the arithmetical average of the carlot prices, both spray and roller process, for human consumption delivered at Chicago, as reported by the Department of Agriculture for the delivery period, including in such average, the quotations for any part of the preceding delivery period which were not published and available for the determination of the price of such nonfat dry milk solids for the previous delivery period. In the event the Department of Agriculture does not publish carlot prices for nonfat dry milk solids for human consumption delivered at Chicago, the average of the carlot prices for nonfat dry milk solids for human consumption f. o. b. manufacturing plant as reported by the Department of Agriculture for the Chicago area shall be used and 3 cents shall be added for each full one-half cent that the latter price is above 6 cents per pound.

(b) *Class prices.* Each handler shall pay at the time and in the manner set forth in § 935.7 not less than the prices set forth in this paragraph for skim milk and butterfat in producer milk received during the delivery period at such handler's plant.

(1) *Class I.* The price per hundredweight for Class I milk containing 3.8 percent butterfat shall be the basic formula price computed pursuant to paragraph (a) of this section, plus 75 cents.

(i) The price per hundredweight for butterfat in Class I milk shall be computed by adding \$15.00 to the price computed pursuant to subparagraph (3) (i) of this paragraph for butterfat in Class III milk.

(ii) The price per hundredweight for skim milk in Class I milk shall be computed by (a) multiplying by 3.8 percent the price computed pursuant to subdivision (i) of this subparagraph, (b) subtracting the result from the price computed pursuant to this subparagraph, (c) dividing the result by 0.962, and (d) adjusting to the nearest cent.

(2) *Class II.* The price per hundredweight for Class II milk containing 3.8 percent butterfat shall be the basic formula price computed pursuant to paragraph (a) of this section, plus 40 cents.

(i) The price per hundredweight for butterfat in Class II milk shall be computed by adding \$15.00 to the price computed pursuant to subparagraph (3) (i) of this paragraph for butterfat in Class III milk.

(ii) The price per hundredweight for skim milk in Class II milk shall be computed by (a) multiplying by 3.8 percent the price computed pursuant to subdivision (i) of this subparagraph, (b) subtracting the result from the price computed pursuant to this subparagraph, (c) dividing the result by 0.962, and (d) adjusting to the nearest cent.

(3) *Class III.* The price per hundredweight for Class III milk containing 3.8 percent butterfat shall be that computed pursuant to the formula contained in paragraph (a) (2) of this section.

(i) The price per hundredweight for butterfat in Class III shall be computed by (a) adding to or subtracting from the average price per pound of 92-score butter at wholesale in the Chicago market as reported by the Department of Agri-

culture for the delivery period during which such milk was received, one-fourth cent for each cent that such price is above or below 20 cents per pound, (b) adjusting to the nearest cent, and (c) multiplying the result by 100.

(ii) The price per hundredweight for skim milk in Class III shall be computed by (a) multiplying by 3.8 percent the price computed pursuant to subdivision (i) of this subparagraph, (b) subtracting the result from the price computed pursuant to this subparagraph, (c) dividing the resulting sum by 0.962, and (d) adjusting to the nearest cent.

(c) *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

§ 935.6 *Determination of uniform price to producers*—(a) *Computation of the total value of milk received from producers by each handler.* The value of the milk received by each handler from producers during each delivery period shall be a sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class computed pursuant to § 935.4 (f) by the applicable class prices, adding together the resulting amounts, and adding any sums owed by the handler pursuant to subparagraph (1) of this paragraph.

(1) If a handler, after subtracting all receipts of other source milk and emergency milk and receipts of producer milk from other handlers which are not cooperative associations, has disposed of skim milk or butterfat in excess of the skim milk or butterfat reported to have been received by him from producers, the market administrator in computing the value of the milk of such handler in accordance with this paragraph shall add an amount computed by multiplying the amounts of skim milk and butterfat subtracted pursuant to § 935.4 (f) (8) by the applicable class prices.

(b) *Computation of uniform price.* For each delivery period the market administrator shall compute a uniform price per hundredweight for producer milk by:

(1) Combining into one total the values computed pursuant to paragraph (a) of this section for all handlers who filed the reports pursuant to § 935.3, and who made the payments required pursuant to § 935.7 for the previous delivery period.

(2) Adding an amount equal to not less than one-half the unobligated balance in the producer-settlement fund.

(3) Subtracting, if the average butterfat content of the producer milk included in these computations is more than 3.8 percent, or adding if such average butterfat content is less than 3.8 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 935.7 (a) (3) and multiplying the result by the total hundredweight of producer milk included in these computations.

(4) Dividing the resulting amount by the total hundredweight of producer milk included in these computations.

(5) Subtracting not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. The result shall be known as the "uniform price" per hundredweight for producer milk of 3.8 percent butterfat content.

(c) *Notification of handlers.* On or before the 7th day after the end of each delivery period, the market administrator shall notify each handler of:

(1) The amount and value of his milk in each class computed pursuant to § 935.4 (f) and (a), respectively, and the totals of such amounts and values;

(2) The uniform price computed pursuant to paragraph (b) of this section;

(3) The amount, if any, due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund; and

(4) The total amounts to be paid by such handler pursuant to §§ 935.7 and 935.8.

§ 935.7 *Payments for milk*—(a) *Time and method of payment.* Each handler shall make payment for milk which he received from producers or cooperative associations in the following manner:

(1) *Final payment.* On or before the 10th day after the end of each delivery period each handler shall make payment for milk which was received during the delivery period:

(i) To each producer for milk which was not caused to be delivered by a cooperative association for the account of such association at not less than the uniform price per hundredweight computed pursuant to § 935.6 (b) subject to the butterfat differential set forth in subparagraph (3) of this paragraph, and less the amount of the payment made to such producer pursuant to subparagraph (2) (i) of this paragraph.

(ii) To a cooperative association which is a handler for milk which was caused to be delivered by such cooperative association for its account at not less than the class prices for such milk according

to its classification as determined pursuant to § 935.4 (f) (7) less the amount of the payment made pursuant to subparagraph (2) (ii) of this paragraph.

(2) *Mid-delivery period payment.* On or before the 25th day of each delivery period each handler shall make payment for milk which was received during the first 15 days of the delivery period:

(i) To each producer for milk which was not caused to be delivered by a cooperative association for the account of such association at not less than the uniform price which was announced by the market administrator for the immediately preceding delivery period.

(ii) To a cooperative association which is a handler for milk which was caused to be delivered by such cooperative association for its account at not less than the uniform price which was announced by the market administrator for the immediately preceding delivery period.

(3) *Butterfat differential to producers.*

If any handler has received from any producer during the delivery period, milk having an average butterfat content other than 3.8 percent, such handler, in making the payment pursuant to paragraph (a) (1) of this section shall add to the uniform price for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.8 percent not less than, or shall deduct from the uniform price for each one-tenth of 1 percent that such average butterfat content is below 3.8 percent not more than an amount computed by the market administrator as follows: Divide the average price per pound of 92-score butter at wholesale in the Chicago market as reported by the Department of Agriculture for the delivery period during which such milk was received, by 10 and adjust to the nearest cent.

(b) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to subparagraphs (1) and (3) of this paragraph, and out of which he shall make all payments to handlers pursuant to subparagraphs (2) and (3) of this paragraph.

(1) *Payments to the producer-settlement fund.* On or before the 8th day after the end of each delivery period each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total value of the milk received from producers by such handler computed pursuant to § 935.6 (a) is greater than the amount obtained by multiplying the hundredweight of milk received by such handler from producers by the uniform price, adjusted by the butterfat differential provided in paragraph (a) (3) of this section.

(2) *Payments out of the producer-settlement fund.* On or before the 10th day after the end of each delivery period, the market administrator shall pay to each handler, including a cooperative association which is a handler, for payment to producers, the amount, if any, by which the total value of the milk received from producers by such handler computed pursuant to § 935.6 (a) is less than the amount obtained by multiplying

the hundredweight of milk received by such handler from producers by the uniform price, adjusted by the butterfat differential provided in paragraph (a) (3) of this section.

(3) *Adjustments of errors in producer-settlement fund.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to or from the producer-settlement fund pursuant to subparagraphs (1) and (2) of this paragraph, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 5 days, make such payment to such handler.

(c) *Adjustments of errors in payments to producers.* Whenever verification by the market administrator of the payment by a handler to any producer or to a cooperative association, discloses payment of less than is required by paragraph (a) of this section, the handler shall make up such payment to the producer or cooperative association not later than the time of making payments next following such disclosure.

§ 935.8 Expense of administration—

(a) *Payments by handlers.* As his prorata share of the expense of administration hereof each handler, except a producer-handler, on or before the 10th day after the end of the delivery period shall pay to the market administrator, with respect to all milk received from producers or from a cooperative association, an amount per hundredweight, not to exceed 2 cents per hundredweight, which is announced by the market administrator on or before the 8th day after the end of the delivery period, subject to review by the Secretary. As its prorata share of the expense of administration hereof, a cooperative association which is a handler, shall pay to the market administrator on or before the 10th day after the end of the delivery, with respect to the milk of any producer which it causes to be delivered to the plant of a nonhandler, an amount per hundredweight equivalent to that required to be paid by other handlers pursuant to this paragraph.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's prorata share of expense set forth in this section.

§ 935.9 *Effective time, suspension, and termination—*(a) *Effective time.* The provisions of this part, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension and termination.* Any or all provisions of this part, or any amendment hereto, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handlers, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

The market administrator, or such other person as the Secretary may designate (1) shall continue in such capacity until discharged by the Secretary, (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 935.10 *Liability—*(a) *Liability of handlers.* The liability of the handlers hereunder is several and not joint, and no handler shall be liable for the default of any other handler.

§ 935.11 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

Issued at Washington, D. C., this 21st day of March 1947, to be effective on and after the 1st day of May 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Approved: March 25, 1947.

PHILIP B. FLEMING,
Administrator, Office of
Temporary Controls.

[F. R. Doc. 47-2963; Filed, Mar. 28, 1947;
8:49 a. m.]

PART 945—MILK IN WASHINGTON, D. C., MARKETING AREA

TERMINATION OF ORDER, AS AMENDED

It is provided in Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), hereinafter referred to as the "act," that the Secretary of Agriculture shall terminate, at the end of the then current marketing period, any order issued under the act whenever he finds that such termination is favored by the requisite majority of producers.

It is hereby found that the termination of Order No. 45, as amended (§§ 945.1-945.15 inclusive), regulating the handling of milk in the Washington marketing area, hereinafter referred to as the "order," is favored by a majority of the producers who during January 1947 (which is hereby determined to be a representative period), were engaged in the production of milk for sale within the Washington marketing area, and such majority, during such representative period, produced more than 50 percent of the volume of such commodity sold in the aforesaid milk marketing area.

It is further found and hereby determined that compliance with the notice and public rule making procedure requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable, unnecessary, and contrary to the public interest in that the time intervening between the date when the conditions necessitating the foregoing findings, relating to the requisite producer approval, became apparent and the mandatory effective date of the termination of the order resulting therefrom is insufficient to permit such compliance.

It is, therefore, ordered, That the said order (§§ 945.1 to 945.15, inclusive), regulating the handling of milk in the Washington marketing area be, and the same hereby is, terminated effective at 11:59 p. m., e. s. t. March 31, 1947, subject, however, to the following conditions:

(1) That such termination of the said order shall not affect or waive any right, obligation, duty or liability under the said order, or release or extinguish any violation of the said order, or affect or impair any right or remedy of the United States, the Secretary of Agriculture, or any other person with respect to any such violation which has arisen or occurred or which may arise or occur prior to the time that such termination becomes effective;

(2) That the provisions of § 945.13 of the said order, relating to proceedings subsequent to the termination of such order, shall remain in force and effect for the purpose of enabling the market administrator, designated as the agency established for the administration of such order, to liquidate the affairs of the market administrator's office pursuant to the provisions of the said order;

(3) That the market administrator shall, in accordance with the applicable provisions of § 945.13, continue in such capacity and, from time to time, account

for all funds, receipts, and disbursements; and

(4) That the said market administrator, continuing in such capacity, as provided in said § 945.13, shall have all of the powers and authority that may be necessary or proper in order to carry out the provisions thereof, and that such market administrator shall perform the duties specified therein.

The terms "Washington marketing area" and "market administrator" shall have the same meaning as set forth for the respective term in such order.

(48 Stat. 31, 670, 673, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Issued at Washington, D. C., this 27th day of March 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-3088; Filed, Mar. 28, 1947;
8:56 a. m.]

**PART 948—MILK IN SIOUX CITY, IOWA,
MARKETING AREA**

Sec.

- 948.0 Findings and determinations.
- 948.1 Definitions.
- 948.2 Market administrator.
- 948.3 Reports, records and facilities.
- 948.4 Classification of milk.
- 948.5 Minimum prices.
- 948.6 Determination of uniform price to producers.
- 948.7 Payment for milk.
- 948.8 Expense of administration.
- 948.9 Effective time, suspension and termination.
- 948.10 Agents.

AUTHORITY: §§ 948.0 to 948.10, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.

§ 948.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Cum. Supp., 900.1 et seq.; 10 F. R. 11791; 11 F. R. 7737; 12 F. R. 1159), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Sioux City, Iowa, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof it is hereby found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agree-

ment upon which a hearing has been held;

(3) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supply of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the said order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

The foregoing findings are supplementary to and in addition to the findings made in connection with the issuance of the aforesaid order and of each of the previously issued amendments hereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Determinations.* It is hereby determined that handlers (excluding co-operative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order, as amended) of at least 50 percent of the volume of milk covered by said order, as amended and as hereby further amended, which is marketed within the Sioux City, Iowa, marketing area, refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the Sioux City, Iowa, marketing area, and it is further determined that:

(1) The refusal or failure of such handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, as amended and as hereby further amended, is the only practical means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Sioux City, Iowa, marketing area; and

(3) The issuance of this order, as amended and as hereby further amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period, November 1946, were engaged in the production of milk for sale in the Sioux City, Iowa, marketing area.

Order relative to handling. It is therefore ordered, That from and after the effective date hereof, the handling of milk in the Sioux City, Iowa, marketing area shall be in conformity to and in compliance with the terms and conditions of this order, as amended.

§ 948.1 *Definitions.* As used in this part the following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United

States Department of Agriculture who is, or who may be, authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

(c) "Sioux City, Iowa, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of Sioux City, Iowa; South Sioux City, Nebraska; Stevens, South Dakota; and that territory within the following townships or precincts: Woodbury and Concord in Woodbury County, Iowa; Hancock, Perry, and Hungerford in Plymouth County, Iowa; Big Sioux and Jefferson in Union County, South Dakota; and Dakota and Covington in Dakota County, Nebraska.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person, including one who may also be a handler, who produces (1) under a dairy farm inspection permit issued by the Sioux City, Iowa, health authorities milk which is received at a plant of a handler or by a cooperative association in its capacity as a handler, and (2) milk which is received by a handler who is not under the jurisdiction of the Sioux City, Iowa, health authorities.

(f) "Cooperative association" means any cooperative association of producers which the Secretary determines (1) to have its entire activities under the control of its members, and (2) to have and to be exercising full authority in the sale of milk of its members.

(g) "Handler" means (1) any person who purchases or receives milk at a plant from which Class I milk or Class II milk is disposed of in the marketing area, and (2) a cooperative association which causes producer milk to be diverted for its account to a plant from which no Class I milk or Class II milk is disposed of in the marketing area. Producer milk so diverted shall be deemed to have been received by such cooperative association.

(h) "Producer-handler" means any person, who is both a producer and a handler and who receives no milk from other producers or from a cooperative association, with respect to whom the market administrator has determined that (1) the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk are the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (2) the processing, packaging, and distribution of milk are the personal enterprise of and at the personal risk of such person in his capacity as a handler.

(i) "Nonhandler" means any person in his capacity as the operator of a milk processing plant from which skim milk and butterfat are not disposed of as Class I milk or Class II milk within the marketing area.

(j) "Producer milk" means any skim milk or butterfat produced by a producer, other than a producer-handler, which is received by a handler either directly from producers or from other handlers.

(k) "Other source milk" means any skim milk or butterfat other than that contained in producer milk.

(l) "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the Department of Agriculture.

(m) "Market administrator" means the agency which is described in § 948.2 for the administration of this part.

(n) "Delivery period" means the calendar month, or the portion thereof, during which the provisions of this part are effective.

(o) "Diverted" means a transfer of milk by a handler to another handler or to a nonhandler without being weighed and tested by the first handler.

§ 948.2 *Market administrator*—(a) *Designation.* The agency for the administration in this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal as the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions of this part; and

(2) Report to the Secretary complaints of violation of the provisions of this part.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Pay, out of the funds provided by § 948.8, the cost of his bond, his own compensation and all other expenses necessarily incurred in the maintenance and functioning of his office;

(3) Keep such books and records as will clearly reflect the transactions provided for in this part, and surrender the same to his successor or to such other person as the Secretary may designate;

(4) Unless otherwise directed by the Secretary, publicly disclose to handlers and to producers, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 948.3, or (ii) made payments pursuant to § 948.7;

(5) Promptly verify the information contained in the reports submitted by handlers pursuant to § 948.3; and

(6) Publicly announce by such means as he deems appropriate, the prices determined for each delivery period as follows:

(i) On or before the 3d day after the end of each delivery period, the minimum class prices computed pursuant to § 948.5; and the butterfat differential computed pursuant to § 948.7 (a) (3); and

(ii) On or before the 7th day after the end of each delivery period the uniform price computed pursuant to § 948.6 (b) (6).

§ 948.3 *Reports, records, and facilities*—(a) *Reports*—(1) *Delivery period reports of receipts and utilization.* On or before the 5th day after the end of each delivery period, each handler, who purchased or received milk from producers or associations of producers shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(i) The quantities of skim milk and butterfat contained in producer milk, including milk of his own production, and other source milk (except products disposed of in the form in which received without further processing or packaging in the plant of the handler) received during the delivery period;

(ii) The quantities of skim milk and butterfat contained in the opening and closing inventories;

(iii) The utilization of all skim milk and butterfat reported pursuant to subdivisions (i) and (ii) of this subparagraph; and

(iv) Such other information with respect to such receipts and utilization as the market administrator may request.

(2) *Mid-delivery period reports.* On or before the 20th day of each delivery period each handler shall report to the market administrator the pounds of milk received by him from each producer or cooperative association during the first 15 days of the delivery period.

(3) *Producer-handler and other handler reports.* Each producer-handler and each handler who receives milk only from his own farm or from other handlers shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(4) *Reports of payments to producers.* On or before the 20th day after the end of each delivery period, each handler shall submit to the market administrator his producer pay roll for the delivery period which shall show for each producer and cooperative association:

(i) The total pounds of milk received and the average butterfat content thereof;

(ii) The price, amount, and date of payment made pursuant to § 948.7; and

(iii) The nature and amount of each deduction or charge involved in the payments referred to in subdivision (ii) of this subparagraph.

(b) *Records and facilities.* Each handler shall maintain and make available to the market administrator, or his representative, during the usual hours of business, such accounts and records of his operations, including those of any other handler or nonhandler upon whose utilization the classification of milk depends, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to:

(1) The receipts and utilization, in whatever form, of all skim milk and butterfat required to be reported pursuant to paragraph (a) (1) of this section;

(2) The weights and tests for butterfat and other contents of all milk and milk products received or utilized; and

(3) Payments to producers or cooperative associations.

§ 948.4 *Classification of milk*—(a) *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in all milk, skim milk, cream, and milk products (except milk products disposed of in the form in which received without further processing or packaging in the plant of the handler) which during the delivery period were received by a handler or caused by a cooperative association to be diverted to the plant of a nonhandler, shall be classified by the market administrator in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (c), (d), and (e) of this section, the classes of utilization shall be as follows:

(1) Class I milk shall be all skim milk and butterfat:

(i) Disposed of in the form of milk, whether plain or flavored, containing more than 1½ percent of butterfat; and

(ii) Not specifically accounted for under subdivision (1) of this subparagraph or as Class II milk or Class III milk.

(2) Class II milk shall be all skim milk and butterfat disposed of as cream, either sweet or sour, including any mixture of butterfat and skim milk containing more than 6 percent butterfat, for consumption in fluid form.

(3) Class III milk shall be all skim milk and butterfat specifically accounted for as:

(i) Disposed of as skim milk, butter-milk, and flavored milk drinks containing 1½ percent or less of butterfat;

(ii) Used for animal feed;

(iii) Used to produce any milk product other than those specified as subparagraphs (1) and (2) of this paragraph, and subdivisions (i) and (ii) of this subparagraph; and

(iv) Actual plant shrinkage up to, but not in excess of 2 percent, respectively, of the total receipts of skim milk or butterfat in producer milk and other source milk not including receipts from other handlers.

(c) *Transfers of milk, skim milk, and cream.* (1) Skim milk and butterfat, when transferred or diverted by a handler to another handler who receives milk from producers or cooperative associations, shall be Class I if transferred or diverted in the form of milk or skim milk and Class II if transferred in the form of cream: *Provided, That if the selling handler, on or before the 5th day after the end of the delivery period during which such transfer is made, furnishes to the market administrator a statement signed by the buyer indicating that such skim milk or butterfat was used in a different class, such skim milk or butterfat may be assigned to the indicated class up to the amount thereof remaining in such class in the plant of the buyer after the subtraction of other source milk pursuant to paragraph (f) (2) of this section.*

(2) Skim milk and butterfat when transferred or diverted by a handler, including a cooperative association which is a handler, to the plant of a nonhandler shall be Class I if transferred in the form of milk or skim milk, and Class II if transferred in the form of cream: *Provided, That if the selling handler, on or*

before the 5th day after the end of the delivery period during which such transfer is made, furnishes to the market administrator a statement signed by the buyer indicating that such skim milk or butterfat was used in a different class and that such utilization may be audited by the market administrator at the receiving plant such skim milk and butterfat may be classified accordingly: *Provided further*, That if upon audit of the buyer's records it is found that the use of skim milk and butterfat in the buyer's plant in the indicated disposition is less than the amount certified to have been so used, any remaining amount shall be classified in the next available higher use classification.

(3) Skim milk and butterfat when transferred or diverted by a handler to a producer-handler or to a handler who receives no milk from producers or co-operative associations shall be Class I if transferred in the form of milk or skim milk and Class II if transferred in the form of cream.

(4) Skim milk and butterfat received by a handler as other source milk shall be classified in the lowest-priced class in which such handler has use.

(d) *Responsibility of handlers and reclassification of milk.* (1) In establishing the classification of skim milk and butterfat as required in paragraph (b) of this section, the burden rests upon the handler who receives such skim milk or butterfat from producers or co-operative associations to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(2) Any skim milk or butterfat which has been classified by the market administrator shall be reclassified, if found by him to have been used or disposed of (whether in original or other form) by such handler or by any other handler or nonhandler in another class.

(e) *Computation of all skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and shall compute the respective amounts of skim milk and butterfat in Class I milk, Class II milk, and Class III milk as follows:

(1) Compute the total pounds of skim milk and butterfat received by adding together the respective amounts of skim milk and butterfat (i) contained in milk, skim milk, and cream, and (ii) used to produce the milk products (except milk products disposed of in the form in which received without further processing or packaging by the handler) received from all sources;

(2) Compute the total pounds of butterfat in Class I by (i) converting to pounds on the basis of 2.15 pounds per quart the volume disposed of in each of the several items of Class I milk, (ii) multiplying each of the resulting amounts by its average butterfat test, (iii) adding together the results so obtained, and (iv) adding an amount equal to the difference between the total pounds of butterfat computed pursuant to (1) of this paragraph, and the total

pounds of butterfat computed pursuant to subparagraphs (2) (iii), (4) (ii), and (6) (iv) of this paragraph;

(3) Compute the total pounds of skim milk in Class I by (i) subtracting from the total pounds of Class I milk determined pursuant to subparagraph (2) (i) of this paragraph, the pounds of butterfat computed pursuant to subparagraph (2) (iii) of this paragraph, (ii) subtracting the weight of the flavoring materials used in flavored milk drinks, and (iii) adding an amount equal to the difference between the total pounds of skim milk computed pursuant to subparagraph (1) of this paragraph, and the total pounds of skim milk computed pursuant to subparagraphs (3) (i), (5) (ii), and (7) (v) of this paragraph;

(4) Compute the total pounds of butterfat in Class II by (i) multiplying the actual weight of each of the several items disposed of as Class II milk by its average butterfat test, and (ii) adding together the results so obtained;

(5) Compute the total pounds of skim milk in Class II by (i) adding together the actual weights of each of the several items of Class II, and (ii) subtracting the pounds of butterfat determined pursuant to subparagraph (4) (ii) of this paragraph;

(6) Compute the total pounds of butterfat in Class III by (i) multiplying the actual weight of each of the several items disposed of as Class III milk pursuant to paragraph (b) (3) (i) and (ii) of this section by its average butterfat content, (ii) multiplying the milk, skim milk, or cream used to produce each of the several items of Class III milk pursuant to paragraph (b) (3) (iii) of this section by its average butterfat content, (iii) adding together the resulting amounts, and (iv) adding the amount of butterfat allowed as plant shrinkage pursuant to subparagraph (8) of this paragraph;

(7) Compute the total pounds of skim milk in Class III by (i) computing the pounds of skim milk in each of the several items disposed of pursuant to paragraphs (b) (3) (i) and (ii), (ii) computing the total pounds of skim milk used to produce each of the several items disposed of pursuant to paragraphs (b) (3) (iii), (iii) adding together the resulting amounts, (iv) subtracting the weight of the flavoring materials used in flavored milk drinks, and (v) adding the pounds of skim milk allowed as plant shrinkage pursuant to subparagraph (9) of this paragraph;

(8) The amount of butterfat to be allowed as plant shrinkage shall be the smaller of the following amounts: (i) 2 percent of the total receipts of butterfat by the handler, exclusive of receipts from other handlers, or (ii) the amount, if any, by which the sum of the pounds of butterfat computed pursuant to subparagraphs (2) (iii), (4) (ii), and (6) (iii) of this paragraph is less than the total receipts of butterfat by the handler; and

(9) The amount of skim milk to be allowed as plant shrinkage shall be the smaller of the following amounts: (i) 2 percent of the total receipts of skim milk by the handler, exclusive of receipts from other handlers, or (ii) the amount, if

any, by which the sum of the pounds of skim milk computed pursuant to subparagraphs (3) (ii), (5) (ii), and (7) (iv) of this paragraph are less than the total receipts of skim milk by the handler.

(f) *Computation of the classification of skim milk and butterfat in producer milk for each handler.* For each delivery period the market administrator shall compute for each handler the respective amounts of skim milk and butterfat of producer milk in each class by making the following computations in the order specified:

(1) Subtract from the pounds of skim milk and butterfat in Class III the pounds of actual plant shrinkage allocated to producer milk computed by multiplying the respective amounts of plant shrinkage computed pursuant to paragraphs (e) (9) and (e) (8) of this section by the percentages that skim milk and butterfat in receipts of producer milk are to total receipts of skim milk and butterfat by the handler, exclusive of the receipts from other handlers;

(2) Subtract from the remaining pounds of skim milk and butterfat, in series beginning with the lowest-priced class, the skim milk and butterfat, respectively, received as other source milk;

(3) Subtract from the remaining pounds of skim milk and butterfat in each class, the total pounds of skim milk and butterfat, respectively, received from other handlers and stated by the receiving handler to have been used in such class: *Provided*, That if the skim milk or butterfat allocated by such statements to Class III or Class II is in excess of the amount of skim milk or butterfat remaining in such class, an amount equal to the difference shall be subtracted from the next higher-priced available class;

(4) Add to the remaining pounds of skim milk and butterfat, respectively, in Class III the pounds of actual plant shrinkage allocated to producer milk and subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the sum of the amounts of skim milk or butterfat remaining in all classes, after making the above computations is greater than the handler's receipts of skim milk or butterfat in producer milk, decrease the amount of skim milk or butterfat in the lowest-priced available class or classes by the amount of such excess.

§ 948.5 *Minimum prices*—(a) *Basic formula price to be used in computing class prices.* The basic formula price to be used in computing the minimum prices per hundredweight for Class I milk, Class II milk, and Class III milk for each delivery period shall be the higher of the prices calculated by the market administrator pursuant to subparagraph (1) or (2) of this paragraph.

(1) The average, adjusted to the nearest cent, of the basic (or field) prices reported to have been paid for milk of 3.5 percent butterfat content received during the next preceding delivery period at the following plants for which prices are reported to the market administrator or to the Department of Agriculture:

Concern and Location of Plant

Amboy Milk Products Co., Amboy, Ill.
 Borden Co., Dixon, Ill.
 Borden Co., Sterling, Ill.
 Carnation Milk Co., Northfield, Minn.
 Carnation Milk Co., Oregon, Ill.
 Carnation Milk Co., Waverly, Iowa.
 Dean Milk Co., Pearl City, Ill.
 Dean Milk Co., Pecatonica, Ill.
 Fort Dodge Creamery Co., Fort Dodge, Iowa.
 Libby, McNeil & Libby Co., Morrison, Ill.
 Pet Milk Co., Shullsburg, Wis.
 United Milk Products Co., Argo, Ill.

(2) The price adjusted to the nearest cent, calculated by the market administrator as follows: (i) To the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the Department of Agriculture for the delivery period during which such milk was received, add or subtract one-fourth cent for each cent that such price is above or below 20 cents, (ii) multiply the result by 3.5, (iii) add 21 cents, and (iv) add 3 cents for each full one-half cent that the price of nonfat dry milk solids for human consumption is above 7 cents per pound. The price per pound for nonfat dry milk solids to be used shall be the arithmetical average of the carlot prices, both spray and roller process, for human consumption delivered at Chicago, as reported by the Department of Agriculture for the delivery period, including in such average the quotations for any part of the preceding delivery period which were not published and available for the determination of the price of such nonfat dry milk solids for the previous delivery period. In the event the Department of Agriculture does not publish carlot prices for nonfat dry milk solids for human consumption delivered at Chicago, the average of carlot prices for nonfat dry milk solids for human consumption f. o. b. manufacturing plant as reported by the Department of Agriculture for the Chicago area, shall be used, and 3 cents shall be added for each full one-half cent that the latter price is above 6 cents per pound.

(b) *Class prices.* Each handler shall pay at the time and in the manner set forth in § 948.7 not less than the prices set forth in this paragraph for skim milk and butterfat in producer milk received during the delivery period at such handler's plant.

(1) *Class I.* The price per hundredweight for Class I milk containing 3.5 percent butterfat shall be the basic formula price computed pursuant to paragraph (a) of this section, plus 80 cents:

(i) The price per hundredweight for butterfat in Class I milk shall be computed by adding \$16.00 to the price computed pursuant to subparagraph (3) (i) of this paragraph for butterfat in Class III milk; and

(ii) The price per hundredweight for skim milk in Class I milk shall be computed by (a) multiplying by 3.5 percent the price computed pursuant to subdivision (i) of this subparagraph, (b) subtracting the result from the price computed pursuant to this subparagraph (c) dividing the result by 0.965, and (d) adjusting to the nearest cent.

(2) *Class II.* The price per hundredweight for Class II milk containing 3.5

percent butterfat shall be the basic formula price computed pursuant to paragraph (a) of this section, plus 50 cents:

(i) The price per hundredweight for butterfat in Class II milk shall be computed by adding \$16.00 to the price computed pursuant to subparagraph (3) (i) of this paragraph for butterfat in Class III milk; and

(ii) The price per hundredweight for skim milk in Class II milk shall be computed by (a) multiplying by 3.5 percent the price computed pursuant to subdivision (i) of this subparagraph, (b) subtracting the result from the price computed pursuant to this subparagraph, (c) dividing the result by 0.965, and (d) adjusting to the nearest cent.

(3) *Class III.* The price per hundredweight for Class III milk containing 3.5 percent butterfat shall be the basic formula price computed pursuant to paragraph (a) of this section:

(i) The price per hundredweight for butterfat in Class III shall be computed by (a) adding to or subtracting from the average price per pound of 92-score butter at wholesale in the Chicago market as reported by the Department of Agriculture for the delivery period during which such milk was received, one-fourth cent for each cent that such price is above or below 20 cents per pound, (b) adjusting to the nearest cent, and (c) multiplying the result by 100.

(ii) The price per hundredweight for skim milk in Class III shall be computed by (a) multiplying by 3.5 percent the price computed pursuant to subdivision (i) of this subparagraph, (b) subtracting the result from the price computed pursuant to this subparagraph, (c) dividing the resulting sum by 0.965, and (d) adjusting to the nearest cent.

(c) *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

§ 948.6 *Determination of uniform price to producers—*(a) *Computation of the total value of milk received from producers by each handler.* The value of the milk received by each handler from producers and cooperative associa-

tions during each delivery period shall be a sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class computed pursuant to § 948.4 (f) by the applicable class prices, adding together the resulting amounts, and adding any amounts owed by the handler pursuant to subparagraph (1) of this paragraph.

(1) If a handler, after subtracting all receipts of other source milk and receipts of producer milk from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat reported to have been received by him from producers, the market administrator in computing the value of the milk of such handler in accordance with this paragraph shall add an amount computed by multiplying the amounts of skim milk and butterfat subtracted pursuant to § 948.4 (f) (5) by the applicable class prices.

(b) *Computation of uniform price.* For each delivery period, the market administrator shall compute a uniform price per hundredweight for producer milk by:

(1) Combining into one total the values computed pursuant to paragraph (a) of this section for all handlers who filed the reports pursuant to § 948.3 and who made the payments required pursuant to § 948.7 for the previous delivery period;

(2) Subtracting for each of the delivery periods of May and June an amount, equal to 20 cents per hundredweight of the total amount of milk received by handlers from producers and cooperative associations and included in these computations, to be retained in the producer-settlement fund for the purpose specified in § 948.7 (b) (2) (ii) and (iii);

(3) Adding an amount equal to not less than one-half the unobligated balance in the producer-settlement fund;

(4) Subtracting, if the average butterfat content of all milk included in these computations is greater than 3.5 percent, or adding, if the average butterfat content of such milk is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 948.7 (a) (3) and multiplying the result by the total hundredweight of producer milk included in these computations;

(5) Dividing the resulting amount by the hundredweight of producer milk included in these computations; and

(6) Subtracting not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. The result shall be known as the "uniform price" per hundredweight for producer milk of 3.5 percent butterfat content.

(c) *Notification of handlers.* On or before the 9th day after the end of each delivery period, the market administrator shall notify each handler of:

(1) The amount and value of his milk in each class computed pursuant to

§ 948.4 (f) and (a) of this section, respectively, and the totals of such amounts and values;

(2) The uniform price computed pursuant to paragraph (b) of this section;

(3) The amount, if any, due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund; and

(4) The total amounts to be paid by such handler pursuant to § 948.7 and § 948.8.

§ 948.7 Payment for milk—(a) Time and method of payment to producers. Each handler shall make payment for milk which he received from producers or cooperative associations during each delivery period as follows:

(1) *Final payment.* On or before the 12th day after the end of each delivery period each handler shall make payment, subject to the butterfat differential in subparagraph (3) of this paragraph and less the payment made pursuant to subparagraph (2) of this paragraph (i) to each producer for milk purchased or received by such handler an amount computed by multiplying the hundredweight of such milk by the price computed pursuant to § 948.6 (b), and (ii) to a cooperative association for milk which it caused to be delivered to a handler from producers and for which such cooperative association collects payments, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers under subdivision (i) of this subparagraph.

(2) *Mid-delivery period payment.* On or before the 27th day of each delivery period each handler shall make payment (i) to each producer an amount not less than the amount computed by multiplying the hundredweight of milk received by such handler during the first 15 days of the current delivery period, by the uniform price which was announced by the market administrator for the next preceding delivery period, and (ii) to a cooperative association for milk which it caused to be delivered to a handler from producers and for which such cooperative association collects payments, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers under subdivision (i) of this subparagraph.

(3) *Butterfat differential to producers.* If, during the delivery period, any handler has received from any producer or from a cooperative association, milk having an average butterfat content other than 3.5 percent, such handler, in making the payments prescribed in paragraph (a) (1) of this section, shall add to the uniform price for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent not less than, or shall deduct from the uniform price for each one-tenth of 1 percent that such average butterfat content is below 3.5 percent not more than an amount computed by the market administrator as follows: To the average price per pound of 92-score butter at wholesale in the Chicago market as re-

ported by the Department of Agriculture for the delivery period during which such milk was received, add 20 percent, divide the result obtained by 10, and adjust to the nearest one-tenth of a cent.

(4) *Adjustment of errors in payment to producers.* Whenever verification by the market administrator of the payment by a handler to any producer or to a cooperative association discloses payment of an amount less than is required by paragraph (a) (1) of this section, the handler shall make up such payment to the producer or cooperative association not later than the time of making payment next following such disclosure.

(b) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to subparagraphs (1) and (3) of this paragraph and out of which he shall make all payments to handlers and producers pursuant to subparagraphs (2) (i) and (3) of this paragraph: *Provided,* That the market administrator shall offset any such payment due to any handler against payments due from such handler: *And provided further,* That the amount received pursuant to § 948.6 (b) (2) shall be expended pursuant to subparagraphs (2) (i) and (iii) of this paragraph.

(1) *Payment to the producer-settlement fund.* On or before the 10th day after the end of each delivery period each handler shall pay to the market administrator for payment to producers through the producer-settlement fund the amount, if any, by which the total value computed for him pursuant to § 948.6 (a) for such delivery period is greater than the sum required to be paid by such handler pursuant to paragraph (a) of this section.

(2) *Payments out of the producer-settlement fund.* (i) On or before the 11th day after the end of each delivery period, the market administrator shall pay to each handler, for payment to producers, the amount, if any, by which the sum required to be paid producers by such handler pursuant to paragraph (a) of this section is greater than the total value computed for him pursuant to § 948.6 (a).

(ii) On or before the 12th day after the end of each of the delivery periods of September, October, and November the market administrator shall pay to each producer from whom milk was received by a handler during such delivery period an amount computed as follows: Divide one-third of the total amount held pursuant to § 948.6 (b) (2) by the total hundredweight of milk received from producers by handlers during the delivery period involved (September, October, and November, as above) and multiply the resulting rate (computed to the nearest full cent per hundredweight) by the milk received from each producer during such delivery period.

(iii) On or before the 10th day after the end of each of the delivery periods of September, October, and November the market administrator shall pay to a cooperative association for milk it caused

to be delivered to a handler from producers and for which such cooperative association collects payments, an amount equal to the sum of the individual payments otherwise payable to such producers under subparagraph (2) (ii) of this paragraph.

(3) *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to or from the producer-settlement fund made pursuant to subparagraphs (1) and (2) of this paragraph, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to subparagraph (2) of this paragraph, the market administrator shall, within 5 days make such payment to such handler.

§ 948.8 Expense of administration—

(a) *Payment by handlers.* As his prorata share of the expense of administration hereof, each handler, with respect to all milk purchased or received from producers or cooperative associations during the delivery period, shall pay to the market administrator, on or before the 10th day after the end of such delivery period, an amount not to exceed 4 cents per hundredweight, the exact amount to be determined by the market administrator, subject to review by the Secretary.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's prorata share of expense as required by paragraph (a) of this section.

§ 948.9 Effective time, suspension, and termination—(a) Effective time. The provisions of this part, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension and termination.* Any or all provisions of this part, or any amendment hereto, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handlers, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

RULES AND REGULATIONS

The market administrator, or such other person as the Secretary may designate (1) shall continue in such capacity until discharged by the Secretary, (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 849.10 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

Issued at Washington, D. C., this 21st day of March 1947, to be effective on and after the 1st day of May 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

Approved: March 25, 1947.

PHILIP B. FLEMING,
Administrator,
Office of Temporary Controls.

[F. R. Doc. 47-2962; Filed, Mar. 28, 1947;
8:49 a. m.]

[Lemon Reg. 215]

PART 953—LEMONS GROWN IN CALIFORNIA
AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.322 *Lemon Regulation 215—(a) Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established

under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. S. T., March 30, 1947, and ending at 12:01 a. m., P. S. T., April 6, 1947, is hereby fixed at 350 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 27th day of March 1947.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: March 23, 1947, 12:01 a. m.,
Mar. 30, 1947, to 12:01 a. m., Apr. 13, 1947]

Handler	Prorate base (per cent)
Total	100.000
Allen-Young Citrus Packing Co.	.000
American Fruit Growers, Fullerton	.710
American Fruit Growers, Lindsay	.000
American Fruit Growers, Upland	.289
Consolidated Citrus Growers	.000
Corona Plantation Co.	.432
Hazeltine Packing Co.	.994
Leppa-Pratt, Produce Distributors, Inc.	.000
McKellips, C. H.-Phoenix Citrus Co.	.000
McKellips Mutual Citrus Growers, Inc.	.000
Phoenix Citrus Packing Co.	.000

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base (per cent)
Ventura Coastal Lemon Co.	1.544
Ventura Pacific Co.	1.538
Total A. F. G.	5.507
Arizona Citrus Growers	.002
Desert Citrus Growers Co., Inc.	.000
Mesa Citrus Growers	.000
Elderwood Citrus Association	.000
Klink Citrus Association	.599
Lemon Cove Association	.261
Glendora Lemon Growers Association	1.153
La Verne Lemon Association	.900
La Habra Citrus Association	2.063
Yorba Linda Citrus Association, The	.956
Alta Loma Heights Citrus Association	.722
Etiwanda Citrus Fruit Association	.511
Mountain View Fruit Association	.612
Old Baldy Citrus Association	1.049
Upland Lemon Growers Association	4.467
Central Lemon Association	1.451
Irvine Citrus Association	1.891
Placentia Mutual Orange Association	1.110
Corona Citrus Association	.357
Corona Foothill Lemon Co.	1.591
Jameson Company	.619
Arlington Heights Fruit Company	.546
College Heights Orange & Lemon Association	1.943
Chula Vista Citrus Association, The	1.382
El Cajon Valley Citrus Association	.534
Escondido Lemon Association	4.389
Fallbrook Citrus Association	2.206
Lemon Grove Citrus Association	.393
San Dimas Lemon Association	2.268
Carpinteria Lemon Association	1.946
Carpinteria Mutual Citrus Association	2.320
Goleta Lemon Association	2.300
Johnston Fruit Co.	4.633
North Whittier Heights Citrus Association	1.124
San Fernando Heights Lemon Association	1.900
San Fernando Lemon Association	1.117
Sierra Madre-Lamanda Citrus Association	2.100
Tulare County Lemon & Grapefruit Association	.548
Briggs Lemon Association	1.535
Culbertson Investment Co.	.534
Culbertson Lemon Association	1.035
Fillmore Lemon Association	1.766
Oxnard Citrus Association No. 1	2.940
Oxnard Citrus Association No. 2	3.067
Rancho Sesne	1.123
Santa Paula Citrus Fruit Association	2.559
Saticoy Lemon Association	2.721
Seaboard Lemon Association	4.293
Somis Lemon Association	2.564
Ventura Citrus Association	1.175
Limoneira Company	2.128
Teague-McKevett Association	.619
East Whittier Citrus Association	1.136
Leffingwell Rancho Lemon Association	.886
Murphy Ranch Company	1.128
Whittier Citrus Association	1.209
Whittier Select Citrus Association	.785
Total C. F. G. E.	85.166
Arizona Citrus Products Co.	.000
Chula Vista Mutual Lemon Association	1.243
Escondido Cooperative Citrus Association	.736
Glendora Cooperative Citrus Association	.106
Index Mutual Association	.463
La Verne Cooperative Citrus Association	1.539
Libbey Fruit Packing Co.	.003

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base (percent)
Orange Cooperative Citrus Association	0.347
Pioneer Fruit Co.	.000
Tempe Citrus Co.	.000
Ventura Co. Orange & Lemon Association	2.204
Whittier Mutual Orange & Lemon Association	.368
Total M. O. D.	7.009
Abbate, Chas. Co., The	.000
Atlas Citrus Packing Co.	.062
California Citrus Groves, Inc., Ltd.	.000
El Modena Citrus, Inc.	.059
Evans Brothers Pkg. Co.—Riverside	.146
Evans Brothers Pkg. Co.—Sentinel Butte Ranch	.000
Foothill Packing Co.	.303
Granada Packing House	.000
Harding & Leggett	.091
Orange Belt Fruit Distributors	1.388
Potato House, The	.000
Raymond Bros.	.011
Rooke, B. G., Packing Co.	.000
San Antonio Orchard Co.	.098
Sun Valley Packing Co.	.000
Sunny Hills Ranch, Inc.	.000
Valley Citrus Packing Co.	.000
Verity, R. H., Sons & Co.	.160
Western States Fruit & Produce Co.	.000
Riverside Growers, Inc.	.000
Total Independents	2.318

[F. R. Doc. 47-3035; Filed, Mar. 28, 1947; 8:54 a. m.]

[Grapefruit Reg. 44]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IMPERIAL COUNTY, CALIF.; AND THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.305 Grapefruit Regulation 44—

(a) Findings. (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 955.1 et seq.) regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation of the Administrative Committee established under the said marketing agreement and the said order, and upon other available information, it is hereby found that the limitation of shipments of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) Order. (1) During the period beginning at 12:01 a. m., P. s. t., March 30, 1947, and ending at 12:01 a. m., P. s. t., April 20, 1947, no handler shall ship:

(i) Any grapefruit grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, which grade lower than U. S. No. 2 grade, as such grades are defined in the revised United States Standards for Grapefruit (California and Arizona), 12 F. R. 1975;

(ii) From the State of California or the State of Arizona to any point outside thereof in the United States, any such grapefruit (a) which are of a size smaller than $3\frac{1}{16}$ inches in diameter, or (b) which are of a size larger than $4\frac{1}{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than such minimum size shall be permitted, and a tolerance of 5 percent, by count, of grapefruit larger than such maximum size shall be permitted, which tolerances shall be applied in accordance with the provisions for the application of tolerances, specified in the said revised United States Standards for Grapefruit (California and Arizona): *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than $3\frac{1}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{1}{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are larger than $4\frac{1}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{8}{16}$ inches in diameter and larger; or

(iii) From the State of California or the State of Arizona to any point outside thereof in Canada, any such grapefruit (a) which are of a size smaller than $3\frac{1}{16}$ inches in diameter, or (b) which are of a size larger than $4\frac{1}{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than such minimum size shall be permitted, and a tolerance of 5 percent, by count, of grapefruit larger than such maximum size shall be permitted, which tolerances shall be applied in accordance with the provisions for the application of tolerances, specified in the said revised United States Standards for Grapefruit (California and Arizona): *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than $3\frac{1}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3\frac{13}{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are larger than $4\frac{1}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{8}{16}$ inches in diameter and larger.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 26th day of March 1947.

[SEAL]

C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-3034; Filed, Mar. 28, 1947; 8:50 a. m.]

[Orange Reg. 171]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.317 Orange Regulation 171—

(a) Findings. (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) Order. (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 30, 1947, and ending at 12:01 a. m., P. s. t., April 6, 1947, is hereby fixed as follows:

(i) Valencia oranges. (a) Prorate Districts Nos. 1 and 2, no movement; and (b) Prorate District No. 3, unlimited movement.

(ii) Oranges other than Valencia oranges. (a) Prorate District No. 1, unlimited movement; (b) Prorate District No. 2, 1,300 carloads; and (c) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the

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said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 27th day of March 1947.

[SEAL]

C. F. KUNKEL,

Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. March 30, 1947 to 12:01 a. m. April 6, 1947]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total.....	100.0000
A. F. G. Alta Loma.....	.3616
A. F. G. Fullerton.....	.0520
A. F. G. Orange.....	.0570
A. F. G. Redlands.....	.3638
A. F. G. Riverside.....	.5778
Corona Plantation Co.....	1.1820
Hazeltine Packing Co.....	.0000
Signal Fruit Association.....	.7938
Azusa Citrus Association.....	1.0459
Azusa Orange Company, Inc.....	.1595
Damerel-Allison Company.....	1.2524
Glendora Mutual Orange Association.....	.5407
Irwindale Citrus Association.....	.3673
Puente Mutual Citrus Association.....	.0502
Valencia Heights Orchards Association.....	.2367
Glendora Citrus Association.....	.6731
Glendora Heights O. & L. Growers Association.....	.1879
Gold Buckle Association.....	3.5456
La Verne Orange Association, The.....	3.5598
Anaheim Citrus Fruit Association.....	.0000
Anaheim Valencia Orange Association.....	.0000
Eadington Fruit Co., Inc.....	.0000
Fullerton Mutual Orange Association.....	.0000
La Habra Citrus Association.....	.0000
Orange County Valencia Association.....	.0000
Orangethorpe Citrus Association.....	.0245
Placentia Cooperative Orange Association.....	.0000
Yorba Linda Citrus Association, The.....	.0000
Alta Loma Heights Citrus Association.....	.4051
Citrus Fruit Growers.....	.7425
Cucamonga Citrus Association.....	.6506
Etiwanda Citrus Fruit Association.....	.2315
Mountain View Fruit Association.....	.1665
Old Baldy Citrus Association.....	.4893
Rialto Heights Orange Growers.....	.4253
Upland Citrus Association.....	2.3430
Upland Heights Orange Association.....	1.1670
Consolidated Orange Growers.....	.0000
Garden Grove Citrus Association.....	.0000
Goldenwest Citrus Association, The.....	.0000

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Olive Heights Citrus Association.....	0.0392
Santa Ana-Tustin Mutual Citrus Association.....	.0000
Santiago Orange Growers Association.....	.0000
Tustin Hills Citrus Association.....	.0000
Villa Park Orchards Association, Inc., The.....	.0000
Bradford Brothers, Inc.....	.0000
Placentia Mutual Orange Association.....	.0000
Placentia Orange Growers Association.....	.0000
Call Ranch.....	.6775
Corona Citrus Association.....	.8070
Jameson Company.....	.3844
Orange Heights Orange Association.....	.9243
Break & Son, Allen.....	.3189
Bryn Mawr Fruit Growers Association.....	1.1197
Crafton Orange Growers Association.....	1.4290
E. Highlands Citrus Association.....	.4355
Fontana Citrus Association.....	.4580
Highland Fruit Growers Association.....	.7025
Krinar Packing Company.....	1.5823
Mission Citrus Association.....	.8218
Redlands Cooperative Fruit Association.....	1.8133
Redlands Heights Groves.....	.9365
Redlands Orange Growers Association.....	1.2256
Redlands Orangedale Association.....	1.0060
Redlands Select Groves.....	.6295
Rialto Citrus Association.....	.5565
Rialto Orange Co.....	.3830
Southern Citrus Association.....	1.3173
United Citrus Growers.....	.6726
Zilen Citrus Company.....	.9809
Arlington Heights Fruit Co.....	.4843
Brown Estate, L. V. W.....	1.8386
Gavilan Citrus Association.....	1.7513
Hemet Mutual Groves.....	.3942
Highgrove Fruit Association.....	.7157
McDermont Fruit Co.....	1.7247
Mentone Heights Association.....	1.0263
Monte Vista Citrus Association.....	1.1865
National Orange Co.....	.8856
Riverside Heights Orange Growers Association.....	1.3369
Sierra Vista Packing Association.....	.8072
Victoria Ave. Citrus Association.....	2.7871
Claremont Citrus Association.....	1.0287
College Heights O. & L. Association.....	1.0839
El Camino Citrus Association.....	.5479
Indian Hill Citrus Association.....	1.1937
Pomona Fruit Growers Association.....	2.1095
Walnut Fruit Growers Association.....	.4499
West Ontario Citrus Association.....	1.6173
El Cajon Valley Citrus Association.....	.3890
Escondido Orange Association.....	.5193
San Dimas Orange Growers Association.....	1.1895
Covina Citrus Association.....	1.5627
Covina Orange Growers Association.....	.5195
Duarte-Monrovia Fruit Exchange.....	.3615
Ball & Tweedy Association.....	.0000
Canoga Citrus Association.....	.0000
N. Whittier Heights Citrus Association.....	.1027
San Fernando Fruit Growers Association.....	.3168
San Fernando Heights Orange Association.....	.3691
Sierra Madre Lamanda Citrus Association.....	.2101
Camarillo Citrus Association.....	.0113
Fillmore Citrus Association.....	1.3627
Ojai Orange Association.....	1.1830
Piru Citrus Association.....	1.3920
Santa Paula Orange Association.....	.0000

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Tapo Citrus Association.....	0.0113
East Whittier Citrus Association.....	.0632
Whittier Citrus Association.....	.0000
Whittier Select Citrus Association.....	.0000
Anaheim Cooperative Orange Association.....	.0000
Bryn Mawr Mutual Orange Association.....	.4883
Chula Vista Mutual Lemon Association.....	.0000
Escondido Cooperative Citrus Association.....	.1200
Euclid Avenue Orange Association.....	2.4364
Foothill Citrus Union, Inc.....	.1228
Fullerton Cooperative Orange Association.....	.0000
Garden Grove Orange Cooperative.....	.0000
Glendora Cooperative Citrus Association.....	.0931
Golden Orange Groves, Inc.....	.4249
Highland Mutual Groves, Inc.....	.4474
Index Mutual Association.....	.0000
La Verne Cooperative Citrus Association.....	3.2913
Olive Hillside Groves, Inc.....	.0000
Orange Cooperative Citrus Association.....	.0000
Redlands Foothills Groves.....	2.2296
Redlands Mutual Orange Association.....	1.0854
Riverside Citrus Association.....	.3550
Ventura County O. & L. Association.....	.2969
Whittier Mutual O. & L. Association.....	.0000
Babijulce Corp. of Calif.....	.1960
Banks Fruit Co.....	.2693
California Fruit Distributors.....	.1289
Cherokee Citrus Co., Inc.....	1.0944
Chess Co., Meyer W.....	.4462
Evans Brothers Packing Co.....	.4287
Gold Banner Association.....	1.9832
Granada Hills Packing Co.....	.0236
Granada Packing House.....	.0000
Hill, Fred A.....	.7388
Inland Fruit Dealers, Inc.....	.2112
Orange Belt Fruit Distributors.....	2.4990
Panno Fruit Co., Carlo.....	.0689
Paramount Citrus Association.....	.1457
Riverside Growers, Inc.....	.2687
San Antonio Orchards Association.....	1.3093
Snyder & Sons Co., W. A.....	1.0112
Verity & Sons Co., R. H.....	.0972
Wall, E. T.....	1.4604
Western Fruit Growers, Inc., Redlands.....	2.8468
Yorba Orange Growers Association.....	.0334

[F. R. Doc. 47-3036; Filed, Mar. 28, 1947; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 03-2]

PART 03—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, ACROBATIC, AND RESTRICTED PURPOSE CATEGORIES

FLIGHT TESTS FOR AIRCRAFT; CHANGING EFFECTIVE DATE FOR COMPLIANCE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of March 1947.

Section 03.0421 of the Civil Air Regulations, *Flight tests*, was amended by the Board on February 4, 1947, to become effective March 15, 1947. In substance

the effect of the amendment is that at the conclusion of the official flight tests which the Administrator finds necessary to determine compliance with §§ 03.1 through 03.632 there shall be conducted such additional flight tests as the Administrator finds necessary to ascertain whether there is reasonable assurance that the airplane, its components, and equipment are reliable and function properly. It is found that the period between the adopted date and the effective date of this regulation is not sufficient to permit the establishment of uniform procedures in the degree necessary to provide for equal application to the aircraft manufacturing industry by the Civil Aeronautics Administration.

The Civil Aeronautics Administration has recommended a postponement of the effective date of compliance with the provisions of § 03.6421 until May 15, 1947. The Civil Aeronautics Board finds that this postponement is in the public interest, that it is not a restrictive change in the Civil Air Regulations and that compliance with sections 4 (a) and (b) of the Administrative Procedure Act is unnecessary in the public interest.

Now, therefore: Effective March 21, 1947, § 03.0421 of the Civil Air Regulations is amended by changing the date therein from "March 15, 1947" to "May 15, 1947".

(53 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-2991; Filed, Mar. 28, 1947;
8:49 a. m.]

[Civil Air Regs., Amdt. 04a-7]

PART 04a—AIRPLANE AIRWORTHINESS REGULATIONS EFFECTIVE PRIOR TO NOVEMBER 9, 1945

FLIGHT TESTS FOR AIRCRAFT; CHANGING EFFECTIVE DATE FOR COMPLIANCE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of March 1947.

Section 04a.040 of the Civil Air Regulations, *Flight tests*, was adopted by the Board on February 4, 1947, to become effective March 15, 1947. In substance the effect of the amendment is that at the conclusion of the official flight tests which the Administrator finds necessary to determine compliance with §§ 04a.2 through 04a.91 there shall be conducted such additional flight tests as the Administrator finds necessary to ascertain whether there is reasonable assurance that the airplane, its components, and equipment are reliable and function properly. It is found that the period between the adopted date and the effective date of this regulation is not sufficient to permit the establishment of uniform procedures in the degree necessary to provide for equal application to the aircraft manufacturing industry by the Civil Aeronautics Administration.

The Civil Aeronautics Administration has recommended a postponement of the effective date of compliance with the provisions of § 04a.040 until May 15, 1947. The Civil Aeronautics Board finds that this postponement is in the public interest, that it is not a restrictive change in the Civil Air Regulations, and that compliance with sections 4 (a) and (b) of the Administrative Procedure Act is unnecessary in the public interest.

Now, therefore: Effective March 21, 1947, § 04a.040 of the Civil Air Regulations is amended by changing the date therein from "March 15, 1947" to "May 15, 1947".

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-2990; Filed, Mar. 28, 1947;
8:48 a. m.]

[Civil Air Regs., Amdt. 04b-4]

PART 04b—AIRPLANE AIRWORTHINESS REGULATIONS, EFFECTIVE ON NOVEMBER 9, 1945

FLIGHT TESTS FOR AIRCRAFT; CHANGING EFFECTIVE DATE FOR COMPLIANCE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of March 1947.

Section 04b.0321 of the Civil Air Regulations, *Flight tests*, was amended by the Board on February 4, 1947, to become effective March 15, 1947. In substance the effect of the amendment is that at the conclusion of the official flight tests which the Administrator finds necessary to determine compliance with §§ 04b.1 through 04b.622 there shall be conducted such additional flight tests as the Administrator finds necessary to ascertain whether there is reasonable assurance that the airplane, its components, and equipment are reliable and function properly. It is found that the period between the adopted date and the effective date of this regulation is not sufficient to permit the establishment of uniform procedures in the degree necessary to provide for equal application to the aircraft manufacturing industry by the Civil Aeronautics Administration.

The Civil Aeronautics Administration has recommended a postponement of the effective date of compliance with the provisions of § 04b.0321 until May 15, 1947. The Civil Aeronautics Board finds that this postponement is in the public interest, that it is not a restrictive change in the Civil Air Regulations, and that compliance with sections 4 (a) and (b) of the Administrative Procedure Act is unnecessary in the public interest.

Now, therefore: Effective March 21, 1947, § 04b.0321 of the Civil Air Regulations is amended by changing the date therein from "March 15, 1947" to "May 15, 1947".

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-2989; Filed, Mar. 28, 1947;
8:48 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Federal Public Housing Authority

PART 603—FINAL DELEGATIONS OF AUTHORITY

DELEGATIONS TO CENTRAL OFFICE AND REGIONAL OFFICIALS

1. Section 603.1 (s), (11 F. R. 10651), is hereby amended, effective upon publication in the FEDERAL REGISTER, to read as follows:

§ 603.1 *Delegations to Central Office Officials.* * * *

(s) *Director of the Priorities and Materials Survey Division.* The Director of the Priorities and Materials Survey Division is delegated the power to:

(1) Approve or deny, in accordance with the Housing Permit Regulation (HPR), applications and changes in applications, which that regulation provides to be filed with FPHA.

(2) Approve or deny, in accordance with Housing Expediter Priorities Regulation 5 (HEPR-5)¹ or Civilian Production Administration Priorities Regulation 33 (PR-33),² changes in applications, which those regulations authorize to be filed with FPHA.

(3) Serve as Secretary to the FPHA Priorities Appeal Committee in the processing of appeals, which are submitted to FPHA in accordance with HPR, HEPR-5, and PR-33.

(4) Sign and submit to the Office of Temporary Controls applications for CC and AAA Preference rating certificates, special directives or other available types of special assistance, to be used in obtaining items for FPHA projects.

(5) Allocate to regional offices, contractors, or local bodies, items of equipment manufactured and earmarked for FPHA Veterans Re-Use projects.

2. Section 603.2 (a) (11 F. R. 177A-901) is hereby amended, effective upon publication in the FEDERAL REGISTER, by substituting a new subparagraph (6), and by adding a new subparagraph (7), as follows:

§ 603.2 *Delegations to Regional Office Officials—(a) Delegations of authority to Regional Directors.* * * *

(6) Pursuant to Title V of the Lanham Act as amended, regional directors are delegated the power:

(i) To execute contracts for the Commissioner between the United States and local bodies for the provision of housing under Title V of the Lanham Act.

(ii) To negotiate and execute cost-plus-a-fixed-fee contracts for the construction of Title V housing projects on Form FPHA-1482, including schedules of prices for finished dwelling units, and any amendments to these forms (and additional schedules of prices for finished dwelling units) subsequently approved by the Assistant Commissioner for Development and Reutilization.

(iii) To execute or approve changes in the contract in any amount within the limit of available or allotted funds, and to execute and approve documents in-

¹ Title 24, Ch. VIII, § 803.5, 12 F. R. 1077.

² Title 32, Ch. IX, § 944.54, 12 F. R. 1438.

volving any extensions of the contract completion date which may be approvable under the terms of the contract irrespective of whether extra work is involved. Any changes approved by any region shall apply only to Notices to Proceed with projects to be erected in that region (without regard to the original location of the buildings being moved).

(iv) To make such findings of need as are required by the provisions of the Lanham Act with respect to installation of movable equipment for family dwellings.

(v) Pursuant and subject to the provisions of the First War Powers Act, Executive Orders 9001, 9116, and 9686 and the National Housing Administrator's General Order FPFA-7:

(a) To approve advance payments to contractors in connection with contracts executed under any cost-plus-a-fixed-fee contract executed in the Central Office or the regional office and to local bodies for use in payment of development costs under Pub. Law 336, 79th Cong.

(b) To waive requirements of advertising and competitive bidding to the extent permitted or required by established FPFA policies and procedures.

(c) To waive the requirement of performance and payment bonds in connection with lump-sum contracts relating to the development of veterans' emergency housing projects where the FPFA contracts with a local public body for the erection and repair of trailers to be done by the local body, subject to a legally sufficient determination that such action will facilitate or expedite the program. Such bonds, however, may be required from the subcontractors of the local body, at the option of the above-mentioned FPFA officials, when such action is deemed necessary and in the best interest of the Government.

(vi) Pursuant and subject to the provisions of the Contract Settlement Act of 1944, to take such actions as are authorized by that act and are appropriate to accomplish its objectives, including the establishment of a Regional Settlement Review Board.

(vii) To execute Notices to Proceed.

(viii) To grant revocable licenses, permits, and easements, and execute appropriate instruments therefor, to facilitate the provisions of necessary streets, alleys, walks, or other means of ingress and egress and utilities.

(ix) To execute contracts or other documents conveying surplus personal property available to FPFA to local bodies (non-profit educational institutions, States or political subdivisions thereof, local public agencies, and non-profit organizations) for use in connection with veterans' emergency housing.

(x) To amend all outstanding contracts with local bodies which involve payment of net income to the FPFA at the end of each fiscal year to include at the election of the local body either the provisions for reserves for repair, maintenance, and replacement or for fixed operating expenses.

(xi) To amend outstanding contracts covering the bailment of trailers, to transfer title to trailer to local bodies.

(7) In connection with the responsibility of FPFA as a processing agency, under authority delegated by the Housing Expediter and the Temporary Controls Administrator, each regional director, in compliance with related procedural instructions, is authorized to:

(i) Process applications, and changes in applications, which are appropriately filed under the Housing Permit Regulation (HPR), and at the conclusion of his review to:

(a) Approve only such applications or changes as clearly meet the applicable requirements of HPR; or

(b) Deny applications or changes which in his judgment are not in accordance with the intent of HPR; or

(c) Refer to the Director of the Priorities and Materials Survey Division applications and changes which involve a substantial and immediate relationship to veterans' housing or public health and safety, or exceptional and unreasonable hardship.

(ii) Approve or deny, in accordance with Housing Expediter Priorities Regulation 5 (HEPR-5) or Civilian Production Administration Priorities Regulation 33 (PR-33), requests for amendment of the applications, which those regulations authorize to be filed with FPFA regional offices.

(iii) Request an applicant to submit drawings, justifications, or other additional data, to be used in processing his application.

(iv) Accept and review appeals for relief from HPR, HEPR-5, or PR-33, prepare and attach a recommendation, and forward to the Central Office, addressed to the Secretary of the Priorities Appeals Committee.

(v) Redesignate the above authority to one specific person in the regional Development and Reutilization Division, in addition to the assistant regional director for D&R. The name of the person shall be registered with the Central Office Priorities and Materials Survey Division.

3. Section 603.2 (d), (11 F. R. 177A-905), is hereby amended, effective upon publication in the FEDERAL REGISTER, by rescinding and deleting paragraph (d) (1) (v) and paragraph (d) (3) (v), and by adding a new paragraph (d) (5), to read as follows:

§ 603.2 *Delegations to Regional Office Officials* * * *

(d) *Delegations of authority to Assistant Regional Directors for development and reutilization.* * * *

(5) In connection with the responsibility of FPFA as a processing agency, under authority delegated by the Housing Expediter and the Temporary Controls Administrator, each assistant regional director for development and reutilization, in compliance with related procedural instructions, is authorized to:

(i) Process applications, and changes in application, which are appropriately filed under the Housing Permit Regulation (HPR), and at the conclusion of his review to:

(a) Approve only such applications or changes as clearly meet the applicable requirements of HPR; or

(b) Deny applications or changes which in his judgment are not in accordance with the intent of HPR; or

(c) Refer to the Director of the Priorities and Materials Survey Division applications and changes which involve a substantial and immediate relationship to veterans' housing or public health and safety, or exceptional and unreasonable hardship.

(ii) Approve or deny, in accordance with Housing Expediter Priorities Regulation 5 (HEPR-5) or Civilian Production Administration Priorities Regulation 33 (PR-33), requests for amendment of the applications, which those regulations authorize to be filed with FPFA regional offices.

(iii) Request an applicant to submit drawings, justifications, or other additional data, to be used in processing his application.

(iv) Accept and review appeals for relief under HPR, HEPR-5, or PR-33, prepare and attach a recommendation, and forward to the Central Office, addressed to the Secretary of the Priorities Appeal Committee.

(50 Stat. 888, 54 Stat. 1125; 42 U. S. C. 1401, 1521)

Approved: March 24, 1947.

[SEAL]

D. S. MYER,
Commissioner.

[F. R. Doc. 47-2935; Filed, Mar. 27, 1947;
8:48 a. m.]

Chapter VII—National Housing Agency

PART 705—DELEGATIONS OF AUTHORITY

PART 751—ORGANIZATION DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY¹

Pursuant to paragraph 1 of Executive Order 9820, January 11, 1947,² which provides that all of the powers, functions, and duties of the Housing Expediter under the Veterans' Emergency Housing Act of 1946 (Pub. Law 388, 79th Cong.), which were merged with the powers, functions, and duties of the National Housing Administrator and exercised and performed through the Office of the Administrator, National Housing Agency, are to be segregated and shall be exercised and performed by the Housing Expediter as an independent officer of the government, Part 705, §§ 705.1 to 705.12, inclusive (with the exception of §§ 705.1 to 705.2,³ inclusive, which are hereby redesignated § 751.11 (a) and (b), and §§ 705.3 and 705.4,⁴ inclusive, which are hereby redesignated § 751.12 (a) and (b)), and Part 751, §§ 751.1 to 751.31,⁵ inclusive (with the exception of §§ 751.23 to 751.26,⁶ inclusive, which are hereby redesignated § 751.13 (a), (b), (c) and (d)), are hereby revoked. The Organization Description for

¹ See also Part 751 *infra*.

² 12 F. R. 205.

³ 9 F. R. 11463; 24 C. F. R., 1944 Supp., 705.1, 705.2.

⁴ 11 F. R. 2587.

⁵ With respect to § 751.31 see 12 F. R. 1940.

⁶ 11 F. R. 177A-860.

the Office of the Administrator, National Housing Agency, will henceforth appear in Part 751 of this Chapter, National Housing Agency. The Organization Description for the Office of the Housing Expediter will henceforth appear in Part 851 of Chapter VIII, Office of Housing Expediter.

Saving clause. This revocation shall not be construed to affect or impair any contract, remedy, right or obligation which has accrued or any actions heretofore taken under or by virtue of any order, regulation, operating instruction or manual issuance in existence prior to the date of this revocation.

This document is effective upon filing with the FEDERAL REGISTER.

Issued this 28th day of March 1947.

(E. O. 9820, Jan. 11, 1947, 12 F. R. 205)

FRANK R. CREEDON,
Housing Expediter.
[SEAL] RAYMOND M. FOLEY,
Administrator.

[F. R. Doc. 47-2985; Filed, Mar. 28, 1947;
8:49 a. m.]

PART 751—ESTABLISHING THE GENERAL RESPONSIBILITIES AND ORGANIZATION OF THE OFFICE OF THE ADMINISTRATOR, NATIONAL HOUSING AGENCY, INCLUDING DELEGATIONS OF FINAL AUTHORITY¹

SUBPART A—PURPOSE, POWERS, OBJECTIVES, AND METHODS

Sec.

751.1 Purpose.

751.2 Powers.

751.3 Objectives.

751.4 Methods.

SUBPART B—ORGANIZATION AND FUNCTIONS

751.5 Central Office.

751.6 Field activities.

SUBPART C—DELEGATIONS OF AUTHORITY²

751.7 Citation of authority.

751.8 Designation of Acting Administrator.

AUTHORITY: §§ 751.1 to 751.8, inclusive, issued under 54 Stat. 1125, as amended, Sec. 1, 55 Stat. 838, 42 U. S. C. Sup. 1521, 50 U. S. C. App., Sup., 601. E. O. 9070, Feb. 24, 1942, 3 CFR Cum. Supp.

SUBPART A—PURPOSE, POWERS, OBJECTIVES, AND METHODS

§ 751.1 *Purpose.* The purpose of this part is to establish the main objectives of the Office of the Administrator, National Housing Agency, in facilitating, during the continuance of Executive Order 9070, February 24, 1942, 3 CFR Cum. Supp., the execution of the policies established by the Congress and the President to assure the orderly transition to a peacetime economy. This part also establishes in general terms the methods and organization by which such objectives are to be achieved.

§ 751.2 *Powers.* Executive Order 9070, February 24, 1942, 3 CFR Cum. Supp., consolidated various housing agencies and functions into the National Housing

Agency, to be administered under the general direction and supervision of the National Housing Administrator, consisting of three main constituent units, namely, the Federal Home Loan Bank Administration, (see Chapter I, Parts 01 to 199, inclusive, Chapter II, Parts 200 to 299, inclusive, Chapter III, Parts 300 to 399, inclusive, and Chapter IV, Parts 400 to 499, inclusive); and the Federal Housing Administration, (see Chapter V, Part 500); and the Federal Public Housing Authority, (see Chapter VI, Parts 600, 601, 602, 603, 605, 610, 611, 620, 621, 630, 631, 640, 641, 650, 651, 660, 661, 670, and 671). The Office of the Administrator, National Housing Agency, exercises powers and makes necessary expenditures in accordance with said Executive Order 9070, February 24, 1942, 3 CFR Cum. Supp., 54 Stat. 1125, as amended, 42 U. S. C. Sup. 1521, and other Executive Orders and acts of the Congress.

§ 751.3 *Objectives.* (a) The objective of the Office of the Administrator is to aid in the provision of better housing for the American people and in the development and execution of national housing policies and programs designed to secure an adequate supply of housing at lower costs, and to foster the growth of a stable, prosperous housebuilding industry equipped to serve the housing needs of the country. In order to attain these objectives, the Office of the Administrator shall:

(1) Provide leadership and coordination in the principal housing activities of the Federal Government, as provided by Executive Order 9070, February 24, 1942, 3 CFR Cum. Supp., with respect to those represented by the operations of the three constituent units of the National Housing Agency, and on a voluntary basis with respect to those of other Federal agencies which relate to housing.

(2) Take the initiative in the joint exploration by the interested agencies of common problems of policy and operation in order to promote the adoption of consistent and effective policies among the various agencies, the prevention of overlapping or conflicting activities and the interchange of information and experience.

(3) Serve as an available point of initial contact with respect to national housing policy and programs for the Congress, the other agencies of the executive branch, industry, state and local governments, and the general public.

(4) Through maximum use of existing public and private facilities for architectural, engineering, economic, and other research and studies, develop practical improvements in the production and marketing of housing at reduced costs; undertaken such research and studies to the extent that adequate resources outside the Office of the Administrator are not available for the purpose; and make the findings of such research available to other agencies, industry, state and local governments, and the general public.

(5) Secure and make available improved statistical and economic data on housing on a basis for consideration of problems by the Congress, public and private agencies, and industry.

(6) Identify and recommend steps toward the elimination of practices, methods or other factors within industry, labor, finance, or government which increase unnecessarily the cost of housing or prevent or restrict the full use of methods or materials which would reduce housing costs.

(7) Present the interests and needs of housing in broader governmental considerations, such as fiscal policy, scientific research and development, and statistical and economic data collection.

§ 751.4 *Methods.* (a) Recognizing that the several agencies have full operating responsibility for the programs assigned to them by the Congress, the basic approach of the Office of Administrator in working toward these objectives shall be the development of the greatest possible degree of common understanding and collaboration among the various agencies concerned. For this purpose the Office of the Administrator shall:

(1) Collaborate with the constituent units and other interested agencies in a continuing survey of the field of housing, to identify the most important problem areas and to inventory the activities, resources and information of the agencies involved, in order to provide a current and comprehensive picture of national housing problems and the existing means for aiding in their solution.

(2) Assume leadership with the constituent units and other participating agencies in formulating joint programs to make the most effective use of resources, and to serve as a clearing house so that each agency may get maximum benefit from the experience and knowledge of the others.

(3) Take the initiative in establishing and assisting permanent and project committees representative of private industry and the various agencies of government to explore specific problems of common concern, and make the findings and recommendations of such committees available to the participating agencies and groups.

(4) Determine jointly with the constituent units and other participating agencies the information needed for common planning, coordination of related activities, and joint consideration of proposed policies and legislation, and work out with the constituent units and other agencies involved the parts of any necessary studies each is best fitted to undertake.

(5) Carry out directly studies or parts of studies which are within its staff resources and which cannot readily be conducted by the constituent units and participating agencies.

(6) Draw together the results of this coordinated research and operating experience in a series of formal and informal reports designed to be of maximum use to the Congress, the President, the constituent units and participating agencies, industry and state and local governments, and others in studying and solving housing problems.

SUBPART B—ORGANIZATION AND FUNCTIONS

§ 751.5 *Central Office.* The Central Office is divided into the following offices

¹ See also Part 751 *supra*.

² For §§ 751.11 to 751.13, inclusive, see Part 751 *supra*. Section 751.35 and 751.36 appear at 11 F. R. 13693, 13911.

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which exercise functions described respectively below:

(a) *Commissioners Council.* Consists of the Administrator and the Commissioners of the Federal Home Loan Bank Administration, the Federal Housing Administration, and the Federal Public Housing Authority. The Commissioners Council serves as a medium for consideration of all major policy and program matters of general concern to the National Housing Agency.

(b) *Coordinating Council.* Consists of the Administrator, the Commissioners of the constituent units of the National Housing Agency, and representatives of such other agencies as may participate in the work of the Council. The coordinating Council provides a medium for discussion and exploration of common problems and the coordination of policies and operating methods and the undertaking of joint activities by the various agencies whose programs have a substantial influence on housing.

(c) *Administrator's Immediate Office.* In addition to required secretarial and administrative assistance, consists of the following principal assistants:

(1) First Assistant Administrator, who assists the administrator in the general coordination of the program of the Office of the Administrator, coordinates such field activities as the Office of the Administrator may undertake, and acts for the Administrator in such matters as he may indicate.

(2) Assistant responsible for liaison with members of the Congress and with consumer and civic groups.

(3) Assistant responsible for supervision of racial relations service to the entire Agency, who advises on racial considerations in the development and execution of the Agency's policy and programs, and maintains liaison with minority groups.

(4) Assistant responsible for necessary contacts with the Department of State and other agencies with respect to housing matters involving foreign governments, such as exports and imports of building materials and equipment, and interchange of technical information; and to provide a point of contact on housing questions for the United Nations and other international organizations.

(d) *Office of the General Counsel.* Provides all legal counsel and assistance involved in the formulation and development of the legal aspects of the Agency's policy and program and in the performance of the responsibilities assigned to the staff of the Office of the Administrator, and represents the Administrator on legislation, public regulations, litigation, and other legal matters.

(e) *Office of Administration.* Assists the Administrator in the performance of his responsibilities under Executive Order 9070 of February 24, 1942, with respect to the general management of the Agency, including organization, finances and personnel matters, and provides administrative services to the Office of the Administrator.

(f) *Office of Housing Economics.* Responsible for activities of the Office of the Administrator having to do with the

economics of the housing industry, including the problems of housing supply and demand; housing production, costs, prices and value; the role of housing in the construction industry and in the national economy; availability of credit for housing; characteristics of the housing market; and the improvement of the statistical and economic data on housing for government, industry, and the general public.

(g) *Technical Office.* Responsible for activities of the Office of the Administrator having to do with the engineering and architectural phases of housing, including design, production, construction and maintenance of housing; improvement of codes and technical standards; and research leading to the production of sound structures at lower cost through the application of technical improvements, simplified practices, new and improved materials, and similar advances.

(h) *Urban Development Office.* Responsible for activities of the Office of the Administrator having to do with the part played by housing in the growth and development of cities; the influence of urban growth, local government organization and practices and related factors on housing; the causes of and methods of preventing or eliminating blighted or slum areas; and the community problems associated with housing such as the provision of public service facilities.

(i) *Information Service.* Assists the Administrator in providing to the press, the housing industry and the public, information about the policies and activities of the National Housing Agency; also provides similar services to assist the Commissioners of the constituent units in carrying out their respective responsibilities, and coordinates the information activities of the Agency as a whole in the interest of efficiency and consistency with general policies.

§ 751.6 *Field activities.* The Office of the Administrator has no field offices.

SUBPART C—DELEGATION OF AUTHORITY

§ 751.7 *Citation of authority.* Section 12 of Executive Order 9070, February 24, 1942, 3 CFR Cum. Supp., provides in part as follows:

* * * The Administrator and the Commissioners hereunder may delegate their respective functions, powers, and duties to such agencies, officials, or personnel as they may designate, respectively. * * *

§ 751.8 *Designation of Acting Administrator.* (a) Pursuant to the foregoing provision of Executive Order 9070 cited in § 751.7, I hereby designate the officials of the National Housing Agency hereinafter named and in the order in which they are named to act in my place and stead with the title of "Acting Administrator" with all the powers, duties, and rights conferred upon me by said Executive order, and other Executive order, the Lanham Act (54 Stat. 1125, as amended, 42 U. S. C. Sup. 1521), or any other act of Congress, in the event of my absence, illness, or inability to act, and all such powers, duties, and rights are hereby delegated to such officials in such order and for such period as I may be absent

from Washington, D. C., or unable to perform my official functions.

(b) The following named officials, and designated in the following order, shall have authority to act as "Acting Administrator" but no official shall have authority to act as "Acting Administrator" unless all those whose names appear before his are absent from their official post and unable to act:

(1) William K. Divers, First Assistant Administrator.

(2) B. T. Fitzpatrick, General Counsel.

(3) Frank C. Watters, Assistant Administrator for Administration.

Issued this 28th day of March 1947.

[SEAL] RAYMOND M. FOLEY,
Administrator.

[F. R. Doc. 47-2984; Filed, Mar. 28, 1947;
8:49 a. m.]

Chapter VIII—Office of Housing
Expediter

PART 851—ORGANIZATION DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY

Pursuant to paragraph 1 of Executive Order 9820, 12 F. R. 205, which provides that all of the powers, functions, and duties of the Housing Expediter under the Veterans' Emergency Housing Act of 1946 which were merged with the powers, functions, and duties of the National Housing Administrator and exercised and performed through the Office of the Administrator, National Housing Agency, are to be segregated and shall be exercised and performed by the Housing Expediter as an independent officer of the government, the following Organization Description, including Delegations of Final Authority, is hereby established in the Office of Housing Expediter:

SUBPART A—CENTRAL OFFICE

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|-------|--------------------------------|
| Sec. | |
| 851.1 | Housing Expediter. |
| 851.2 | Advisory Board. |
| 851.3 | Office of Operations. |
| 851.4 | Office of Production. |
| 851.5 | Office of Administration. |
| 851.6 | Office of the General Counsel. |
| 851.7 | Division of Information. |
| 851.8 | Appeals Board. |

SUBPART B—REGIONAL OFFICES

- | | |
|--------|---|
| 851.9 | Regional Housing Expediter. |
| 851.10 | Deputy Regional Housing Expediter. |
| 851.11 | Regional Counsel. |
| 851.12 | Information Service. |
| 851.13 | Racial Relations Adviser. |
| 851.14 | Assistant Regional Expediter for Community Assistance. |
| 851.15 | Assistant Regional Expediter for Production Expediting. |

SUBPART C—LOCALITY EXPEDITERS

SUBPART D—DELEGATIONS OF AUTHORITY

- | | |
|--------|--|
| 851.16 | Delegation of authority to the Federal Housing Administration. |
| 851.17 | Delegation of authority to the Federal Public Housing Authority. |
| 851.18 | Delegation of authority to the Director, Industrialized Housing Service Branch of the Office of the Housing Expediter. |

Sec.

851.19 Delegation of authority to the Director or Acting Director, Review and Analysis Branch, Office of the Housing Expediter.

AUTHORITY: §§ 851.1 to 851.19, inclusive, issued under 60 Stat. 207; 50 U. S. C. Supp. 1821.

SUBPART A—CENTRAL OFFICE

§ 851.1 *Housing Expediter.* The Housing Expediter directs and supervises the Veterans' Emergency Housing Program.

§ 851.2 *Advisory Board.* The Advisory Board consists of the Housing Expediter, Deputy Housing Exeditors, Assistant Housing Expediter, the General Counsel, and such other persons as the Housing Expediter may from time to time designate. The Board is the primary instrument for the resolution of major policy issues and for the formulation of basic programs and administrative policies within which the several offices now carry out their assigned responsibilities.

§ 851.3 *Office of Operations.* The Deputy Housing Expediter, Operations, assisted by Regional Coordinators, a Community Action Advisory Service, Surplus Property Acquisition Advisory Service, Labor Advisory Service, Land and Public Utilities Advisory Service branches, and such liaison personnel as may be necessary in conducting relations with other government agencies, performs the functions of:

(a) Directing and coordinating the execution of plans, policies, and methods of the Veterans' Emergency Housing Program;

(b) Directing the execution by the regional offices of approved programs and policies;

(c) Recommending changes and modifications in operating plans and methods in order to carry out the Veterans' Emergency Housing Program;

(d) Devising programs to enlist community support for, and aiding communities in the execution of, the Veterans' Emergency Housing Program;

(e) Developing a program for, and providing an expediting service in respect to, government surplus property acquisition;

(f) Developing programs to assist in assuring an adequate supply of qualified workers in the production of building materials and in the construction of housing under the Veterans' Emergency Housing Program; taking action to remove obstacles to full utilization of the labor supply;

(g) Developing programs to facilitate the acquisition by local public or private agencies of land for the Veterans' Emergency Housing Program and to facilitate the provision of adequate utilities, community facilities, and municipal services for housing.

§ 851.4 *Office of Production.* The Deputy Housing Expediter, Production, assisted by a Statistical Control and Reports Branch, Technical Service Branch, Review and Analysis Branch, and an Industrial Housing Service Branch, performs the functions of:

(a) Securing, interpreting, and disseminating statistical information re-

quired for the execution of the Veterans' Emergency Housing Program and for the evaluation of program progress; serving as a central channel and point of contact for statistical information for the Housing Expediter and developing and administering an integrated system for collecting data and conducting research analysis necessary to formulate plans and policies and evaluate program progress;

(b) Securing volume production of lower-cost houses produced by industrial methods; determining the need for, and aiding in securing, financial assistance, including market guarantees, and Reconstruction Finance Corporation loans for new materials; assisting in arranging for other types of assistance designed to encourage new sources of production, distribution, erection, and marketing;

(c) Assuring adequate production and effective distribution of building materials and finished products; reviewing and formulating proposals for encouraging rental housing for operation through Mayors' Committees; analyzing the Veterans' Emergency Housing Program in the perspective of the national economy;

(d) Developing solutions to technical problems relating to the design and construction of houses; evaluating the technical merits of proposals for government assistance to producers of industrialized housing and new materials; providing technical assistance to producers of houses and new materials; encouraging the use of new and substitute materials; and recommending revisions in building regulations.

§ 851.5 *Office of Administration.* The Assistant Housing Expediter, assisted by a Management Review Branch, Personnel Branch, Budgeting and Accounting Branch, and an Administrative Operations Branch, performs the functions of:

(a) Surveying and analyzing the organization and operation of the Office of the Housing Expediter; preparing and reviewing basic operating procedures; establishing and maintaining a system for the issuance of written instructions and publications; reviewing for essentiality all materials prepared in the Office of the Housing Expediter to be reproduced; assisting in the preparation of, or reviewing, Office of the Housing Expediter operating forms other than those requiring Bureau of the Budget approval;

(b) Developing and administering a comprehensive personnel program in the Office of the Housing Expediter; advising and assisting other branches of the OHE in the personnel aspects of other management functions; representing the OHE on personnel matters in dealings with other government and private agencies;

(c) Preparing regular and special budget estimates and justification for the OHE; assisting in the justification of such estimates before the Bureau of the Budget and the Congress; supervising the administration of the approved budget; evaluating and recommending improvement of budgetary and financial practices in the OHE; maintaining working relations for the OHE on budg-

etary and fiscal matters with other agencies;

(d) Establishing accounts of all OHE funds; auditing and certifying vouchers; furnishing graphics services; maintaining printing and reproduction facilities; planning space; providing building maintenance; supervising procurement of all supplies and services; planning and supervising a records maintenance program; providing messenger and mail services; handling routine correspondence; authorizing travel.

§ 851.6 *Office of the General Counsel.* The General Counsel is responsible for: providing all legal counsel and assistance involved in the formulation and development of the Housing Expediter's policy and program; formulating and recommending to the Housing Expediter a program and procedures to assure compliance with the public regulations and directives of the Housing Expediter; drafting and interpreting all public regulations, orders, and directives of the Housing Expediter and the legislation relative to the Office of the Housing Expediter; establishing policies, standards, and procedures to guide legal activities in the regional offices and to assure uniformity of legal interpretations, practices, and procedures among the regional offices; representing the Housing Expediter on legislation, public regulations, litigation and other legal matters.

§ 851.7 *Division of Information.* The Director of Information acts as the Housing Expediter's adviser on matters affecting public information and is responsible for providing an informational program to report on and interpret the Veterans' Emergency Housing Program to the housing industry, public interest groups concerned with housing, state and local governments and the general public; preparing all publications, news releases, pamphlets, and other materials issued by the OHE; representing the OHE in all official relations with the press, the radio, and with other Federal agencies on matters of public information.

§ 851.8 *Appeals Board.* The Appeals Board consists of the Deputy Housing Expediter, Operations, the Deputy Housing Expediter, Production, and the General Counsel, or in the absence of one or more of them such alternates as they may select. The Board receives and determines all appeals received in the Office of the Housing Expediter pursuant to public regulations or directives.

SUBPART B—REGIONAL OFFICES

§ 851.9 *Regional Housing Expediter.* The Regional Housing Expediter is responsible to the Deputy Housing Expediter, Operations. The Regional Housing Expediter directs the execution of the OHE program in the region, and secures cooperation of other agencies in carrying out the Veterans' Emergency Housing Program.

§ 851.10 *Deputy Regional Housing Expediter.* The Deputy Regional Housing Expediter assists the Regional Housing Expediter in administering the activities of the regional office. He assumes

the functions of the Regional Housing Expediter in the latter's absence.

§ 851.11 *Regional Counsel.* Under the general supervision of the General Counsel, the Regional Counsel is administratively responsible to the Regional Housing Expediter. The Regional Counsel serves as legal adviser to the Regional Housing Expediter and is responsible for providing all legal counsel and assistance involved in the performance of the responsibility assigned to the regional office staff, and for providing liaison with the field staffs of other agencies on legal problems affecting the Veterans' Emergency Housing Program.

§ 851.12 *Information Service.* The Information Service is responsible to the Regional Housing Expediter. It conducts regional informational programs, analyzes comments and attitudes of news media within the region, and compiles reports on the Veterans' Emergency Housing Program.

§ 851.13 *Racial Relations Adviser.* The Racial Relations Adviser is responsible to the Regional Housing Expediter. The Racial Relations Adviser assists and advises the regional office staff on matters affecting minority groups.

§ 851.14 *Assistant Regional Expediter for Community Assistance.* The Assistant Regional Expediter for Community Assistance is responsible to the Deputy Regional Housing Expediter for providing data and technical information required by Locality Expeditors, submitting reports required by Washington offices, and assisting in securing the cooperation of public and private agencies in the execution of the Veterans' Emergency Housing Program.

§ 851.15 *Assistant Regional Expediter for Production Expediting.* The Assistant Regional Expediter for Production Expediting is responsible to the Deputy Regional Housing Expediter for assisting localities and reviewing local progress in obtaining an adequate supply of building materials; assisting in securing an adequate supply of labor for the region; encouraging increased use of new materials and improved methods of construction; assisting builders in establishing dealer-builder relationships with prefabricators and working out the problem of getting prefabricated houses on sites; and drawing commercial and industrial contractors into the housing building field.

SUBPART C—LOCALITY EXPEDITERS

The Locality Expeditors are responsible to the Regional Housing Expediter. Each Locality Expediter assists the locality to which he is assigned in the execution of the Veterans' Emergency Housing Program.

Location of OHE Regional Offices

Region I—Boston, Mass.
Region II—New York, N. Y.
Region III—Chicago, Ill.
Region IV—Atlanta, Ga.
Region V—Dallas, Tex.
Region VI—San Francisco, Calif.
Region VII—Seattle, Wash.
Region VIII—Cleveland, Ohio.

SUBPART D—DELEGATIONS OF AUTHORITY

The Housing Expediter has made delegations of authority to specified agencies and officers in Housing Expediter Priorities Orders 1, 2, and 3, which are published as §§ 801.1, 801.2, and 801.3 of Part 801 of this Chapter, respectively.

The Housing Expediter has issued directives to the Civilian Production Administration and the Reconstruction Finance Corporation whereby those agencies have been delegated authority to perform certain functions on behalf of the Housing Expediter in connection with premium payments plans involved in Housing Expediter Premium Payments Regulations. These directives are published as §§ 802.1 to 802.17, inclusive, of Part 802 of this Chapter.

§ 851.16 *Delegation of authority to the Federal Housing Administration.* The Federal Housing Administration (through the Federal Housing Commissioner or his designated representatives) is hereby authorized to exercise all of the powers and duties delegated to the Housing Expediter by § 903.155, chapter IX of Title 32 (Directive 42 of the Civilian Production Administration) with respect to changes in applications and appeals authorized under § 944.54, chapter IX of Title 32 (Priorities Regulation 33) to be filed with appropriate State and District Offices of the Federal Housing Administration.

§ 851.17 *Delegation of authority to the Federal Public Housing Authority.* The Federal Public Housing Authority (through the Federal Public Housing Commissioner or his designated representatives) is hereby authorized to exercise all the powers and duties delegated to the Housing Expediter by § 903.155, chapter IX of Title 32 (Directive 42 of the Civilian Production Administration) with respect to changes in applications and appeals authorized under § 944.54, chapter IX of Title 32 (Priorities Regulation 33) to be filed with appropriate Regional Offices of the Federal Public Housing Authority.

§ 851.18 *Delegation of authority to the Director, Industrialized Housing Service Branch of the Office of the Housing Expediter.* The Director, Industrialized Housing Branch of the Office of the Housing Expediter, is hereby authorized to exercise all the powers and duties delegated to the Housing Expediter by § 903.155, chapter IX of Title 32 (Directive 42 of the Civilian Production Administration) with respect to changes in applications and appeals authorized under Directions 8 and 13, to § 944.54, chapter IX of Title 32 (Priorities Regulation 33 of the Civilian Production Administration) to be filed with or mailed to the National Housing Agency, except applications under paragraph (n) of Direction 8 or paragraph (r) of Direction 13.

§ 851.19 *Delegation of authority to the Director or Acting Director, Review and Analysis Branch, Office of the Housing Expediter.* The Director or Acting Director of the Review and Analysis Branch, Office of the Housing Expediter,

is hereby authorized to establish special and seasonal quotas and to modify quotas under premium payments regulations issued by the Housing Expediter.

Issued this 28th day of March 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-2986; Filed, Mar. 28, 1947;
8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 903—ORGANIZATION AND DELEGATIONS OF AUTHORITY

[Directives 10 and 33, Revocation]

The following directives are revoked effective midnight March 31, 1947:

§ 903.17, Directive 10—Delegation of authority over narcotic drugs to Bureau of Narcotics, Department of the Treasury

§ 903.146, Directive 33—Distribution of bituminous and petroleum coke

Issued this 28th day of March 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By W. J. KERLIN,
Director,
Bureau of Priorities.

[F. R. Doc. 47-3103; Filed, Mar. 28, 1947;
11:27 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 17—MONEY-ORDER SYSTEM

INTERNATIONAL MONEY-ORDER SERVICE

Paragraph (c) (1) of § 17.55 *Exchange Offices* (39 CFR, Part 17), as amended (12 F. R. 1465), is further amended by adding the countries "Norway" and "Tunis" to the list of countries, with which the United States has an exchange of money orders, and by the addition of a note, reading as follows:

NOTE: The money of the United States shall be converted into that of Norway at the rate of 1 Kr. = \$0.20½ cents, and into that of Tunis at the rate of 1 Fr. = \$0.0085.

(R. S. 4027, 4028, sec. 1, 25 Stat. 654; 39 U. S. C. 711, 712)

The change made by this amendment shall be effective as of April 1, 1947.

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-2992; Filed, Mar. 28, 1947;
8:49 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 0—ORGANIZATION AND ASSIGNMENT OF WORK

MERGER OF BUREAU OF PERSONNEL SUPER- VISION AND MANAGEMENT INTO BUREAU OF ADMINISTRATION

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 10th day of March A. D. 1947.

Section 17 of the Interstate Commerce Act, as amended (49 U. S. C. 17), being under consideration: It is ordered, that

The Bureau of Personnel Supervision and Management (§ 0.11 (j), 11 F. R. 10308), is abolished as a bureau and there is established in lieu thereof a Personnel Office headed by a Personnel Director in the Bureau of Administration (11 F. R. 10306), into which the present Bureau of Personnel Supervision and Management shall be merged, effective March 23, 1947. It is further ordered, that

Section 0.11 (j), *Bureau of Personnel Supervision and Management*, is deleted.

Section 0.11 (b), *Bureau of Administration; functions*, is amended by adding the following sentence: "The Personnel Office, headed by a Personnel Director, is also included in this bureau."

(24 Stat. 385, 25 Stat. 861, 40 Stat. 270, 41 Stat. 492, 493, 47 Stat. 1368, 54 Stat. 913; 49 U. S. C. 17)

By the Commission.

W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2946; Filed, Mar. 28, 1947;
8:47 a. m.]

[S. O. 87, Amdt. 7]

PART 95—CAR SERVICE

SUSPENSION OF DEMURRAGE RULES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of March A. D. 1947.

Upon further consideration of Service Order No. 87 (7 F. R. 8066), as amended (7 F. R. 8438; 11 F. R. 4737, 8451; 11 F. R. 12726, 14650, 12 F. R. 259), and good cause appearing therefor:

It is ordered, That Service Order No. 87, as amended (codified as § 95.500 CFR), be, and it is hereby, further amended by adding the following exception to paragraph (a) thereof:

§ 95.500 *Suspension of demurrage rules; Trunk Line Tariff Bureau Tariff No. 139—Cl. C. C. C. No. A751 coal.* (a) * * *

Exception: The settlement period starting at 7:00 a. m., February 1, 1947 and ending 7:00 a. m., April 1, 1947 is hereby extended to expire at 7:00 a. m., May 1, 1947.

It is further ordered, This amendment shall become effective at 7:00 a. m., March 31, 1947; that a copy of this order

and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2947; Filed, Mar. 28, 1947;
8:47 a. m.]

[S. O. 304-A]

PART 95—CAR SERVICE

PERMIT REQUIRED FOR CARLOAD GRAIN

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of March A. D. 1947.

Upon further consideration of Service Order No. 304, (10 F. R. 4612), as amended (10 F. R. 5327, 5464, 6315, 8143), and good cause appearing therefor: it is ordered, that:

Service Order No. 304 *Permit required for carload grain* (49 CFR § 95.40), as amended, be, and it is hereby, vacated and set aside.

It is further ordered, that this amendment shall become effective at 12:01 a. m., March 28, 1947; that copies of this order and direction be served upon the State railroad regulatory bodies of all States and the District of Columbia, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2948; Filed, Mar. 28, 1947;
8:47 a. m.]

[S. O. 653, Corr. to Amdt. 5]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON GONDOLA, OPEN AND COVERED HOPPER CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of March A. D. 1947.

Upon further consideration of Service Order No. 653 (11 F. R. 14572), as

amended (12 F. R. 128, 1606, 1816), and good cause appearing therefor: it is ordered, that:

Section 95.653 *Demurrage charges on gondola, open and covered hopper cars*, of Service Order No. 653, as amended, be, and it is hereby, further amended by substituting the following paragraphs (c) (3) and (e), for paragraphs (c) (3) and (e) thereof:

(c) *Application.* * * *

(3) *Export, import, coastwise or intercoastal traffic.* Except as shown below, import, export, coastwise (including Great Lakes) or intercoastal traffic is subject to this section.

Exemptions. Import, export, coastwise (including Great Lakes) or intercoastal bulk freight (including vessel fuel coal and coke) or explosives traffic, during the period such traffic is held in cars at ports for transfer to vessels or held at United States-Canadian border crossings, is not subject to this order. Bulk freight means any carload freight consisting of any non-liquid, non-gaseous commodity shipped loose or in mass and which in the unloading thereof is ordinarily shoveled, scooped, forked, or mechanically conveyed, or which is not in containers or in units of such size as to permit piece by piece unloading.

(e) *Expiration date.* This section shall expire at 7:00 a. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of the Commission.

It is further ordered, that this amendment shall become effective at 7:00 a. m., March 25, 1947, and shall apply to cars on hand on or after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2951; Filed, Mar. 28, 1947;
8:47 a. m.]

[S. O. 662-B]

PART 95—CAR SERVICE

CORN FOR EXPORT THROUGH GULF PORTS RESTRICTED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of March A. D. 1947.

Upon further consideration of Service Order No. 662 (11 F. R. 14730), and good cause appearing therefor: It is ordered, that

RULES AND REGULATIONS

Service Order No. 662 (codified as 49 CFR § 95.662), *Corn, for export through Gulf ports restricted*, be, and it is hereby, vacated and set aside.

It is further ordered, that this order shall become effective at 12:01 a. m., March 28, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2952; Filed, Mar. 28, 1947;
8:48 a. m.]

[S. O. 668, Amdt. 2]

PART 97—ROUTING OF TRAFFIC

REROUTING OF LOADED CARS; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of March A. D. 1947.

Upon further consideration of Service Order No. 668 (12 F. R. 560), as amended (12 F. R. 958), and good cause appearing therefor; it is ordered, that:

Section 97.668 *Rerouting of loaded cars; appointment of agent*, of Service Order No. 668, as amended, be, and it is hereby, further amended by substituting the following paragraph (i) for paragraph (i) thereof:

(i) *Expiration date.* This section shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., March 30, 1947.

It is further ordered, that copies of this order and direction be served upon the State railroad regulatory bodies of each State named in Amendment No. 1 to this order, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2953; Filed, Mar. 28, 1947;
8:48 a. m.]

Chapter II—Office of Defense Transportation

PART 502—DIRECTION OF TRAFFIC MOVEMENT

SHIPMENT OF OVERSEAS FREIGHT

CROSS REFERENCE: For an exception to the provisions of § 502.202 see Part 522 of this chapter, *infra*.

[Gen. Permit ODT 16C, Rev.—1A]

PART 522—DIRECTION OF TRAFFIC MOVEMENT—EXCEPTIONS, EXEMPTIONS, AND PERMITS

SHIPMENT OF OVERSEAS FREIGHT

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, and Executive Order 9729, *It is hereby ordered*, That:

§ 522.661 *Shipment of overseas freight.* Notwithstanding the prohibitions contained in § 502.202 of General Order ODT 16C, Revised, as amended (11 F. R. 13426, 13465, 13913), any person may offer to a rail carrier and any rail carrier may accept for transportation, or transport to or within any port area named in Appendix A of General Order ODT 16C, Revised, as amended, any carload shipment of overseas freight when consigned to a public warehouse for storage, or in care of a port terminal carrier for carrier storage when in either case prior arrangements have been made for such storage, or when such freight is covered by a bona fide steamship contract or booking with an ocean carrier and the shipping order and other shipping documents covering the rail transportation of such freight bear a certification made by the shipper that such storage arrangements have been made or that a steamship contract or booking has been obtained. Such certification shall show the steamship contract number, the name of the vessel, the steamship agent at the port of export, and the first date the steamship company will accept such shipment at the port of export, or shall show the name of the storage facility, whichever is applicable: *Provided*, That, the foregoing provisions shall not apply to:

(a) Any shipment of overseas freight loaded in a box car or refrigerator car for movement through the Port of New York, New York, when the overseas destination is any point or place not in Central America, South America, Caribbean Area, South or East Africa, West

Africa, Iceland, Sweden, Norway, Newfoundland, the Philippines, Hawaiian Islands, China, Denmark, or the Netherlands;

(b) Any shipment of overseas freight for movement through the Port of New York, New York, when consigned to or in care of a port terminal carrier for carrier storage, or any shipment of overseas freight consisting of frozen meat, lard, or seed when the consignee is the United State Department of Agriculture, or when such freight is consigned to a public warehouse for storage;

(c) Any shipment of overseas freight when the consignee is the Soviet Government, or any person acting for, or as agent of, such government, and the destination in the continental United States is any port area named in Appendix A of General Order ODT 16C, Revised, as amended, other than a port located in the States of California, Oregon, or Washington;

(d) Any shipment of overseas freight consisting of flour or other grain products shipped other than in bulk, when originating at a point west of but not on the Mississippi River and intended for export through any port on the Atlantic Seaboard shown in Appendix A of General Order ODT 16C, Revised, as amended.

§ 522.662 *Shipments of bulk coal and coke.* Notwithstanding the prohibitions contained in § 502.202 of General Order ODT 16C, Revised, as amended, any person may offer to a rail carrier and any rail carrier may accept for transportation, or transport to or within any port area named in Appendix A of General Order ODT 16C, Revised, as amended, any shipment of overseas freight consisting of coal, in bulk, or coke, in bulk.

This General Permit ODT 16C, Revised-1A, shall become effective at 12:01 o'clock a. m. April 1, 1947.

General Permit ODT 16C, Revised-2 (11 F. R. 13428), relating to overseas freight consisting of coal, in bulk, and coke, in bulk, is hereby revoked as of the effective date of this General Permit ODT 16C, Revised-1A.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Law 475, 79th Cong., 60 Stat. 345; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941 6 F. R. 6725; E. O. 9389 Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 25th day of March 1947.

J. M. JOHNSON,
Director,

Office of Defense Transportation.

[F. R. Doc. 47-2987; Filed, Mar. 28, 1947;
8:48 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR, Part 41]

ISSUANCE OF AIR CARRIER OPERATING CERTIFICATE FOR ALASKAN AIR CARRIER OPERATIONS

NOTICE OF PROPOSED RULE MAKING

MARCH 25, 1947.

Air carriers presently conducting scheduled or regular air service operations in the Territory of Alaska have certificates of convenience and necessity issued by the Board covering their operations, but the majority of these carriers do not hold air carrier operating certificates issued by the Administrator as required by Part 41 of the Civil Air Regulations. The principal reason for the lack of air carrier operating certificates is that those carriers cannot fully comply with all of the requirements of Part 41 necessary for the issuance of such certificates. This is especially true concerning the requirements for airport spacing, communication facilities, weather reporting stations, and navigational facilities. The development of these facilities has been retarded by the war and not through any lack of initiative on the part of the air carrier opera-

tors. These operators are and have been conducting their operations with an acceptable degree of safety and are rendering the Territory of Alaska a much needed transportation service. It appears necessary and desirable in the public interest that the requirements of Part 41 should be adjusted so that Alaskan operations which do not fully meet the requirements of this part may be conducted under such circumstances as to provide a safe level of operation at least until such time as the required facilities are established so that the carriers can meet the presently prescribed air carrier rules.

The most effective manner in which this objective can be accomplished is by the promulgation of a Special Civil Air Regulation giving the Administrator authority to issue air carrier operating certificates whenever he finds the carrier can meet a reasonable level of operational safety, although not fully meeting the requirements of Part 41. Such certificates would be valid only for the periods specified, unless the holder within that time shows compliance with the applicable rules.

Pursuant to section 4 (a) of the Administrative Procedure Act the Safety Bureau of the Civil Aeronautics Board hereby gives notice that the Bureau will

propose to the Board the following Special Civil Air Regulation 30 days after the date of this public notice:

Whenever upon investigation the Administrator finds that the general standards of safety required for air carrier operations within the Territory of Alaska require or permit a deviation from any specific requirement of Part 41 for a particular operation or a class of operations for which an application for an air carrier operating certificate has been made, he may issue an air carrier operating certificate with appropriate changes specifying therein the period for which such deviations may be permitted. The Administrator shall promptly notify the Board of any deviations included in the air carrier operating certificates and the reasons therefor.

This regulation shall terminate October 31, 1948.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL]

W. S. DAWSON,
Director.

[F. R. Doc. 47-2955; Filed, Mar. 28, 1947;
8:48 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8448]

ELSE DEEKEN

In re: Stock owned by Else Deeken. F-28-27175-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Else Deeken, whose last known address is Miltenberg, A-Main, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: 23 shares of \$20 par value common capital stock of Waiialua Agricultural Company, Ltd., Waiialua, Oahu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by certificates numbered 19222 and 22033, registered in the name of Else Deeken, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 17, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-2930; Filed, Mar. 27, 1947;
8:47 a. m.]

[Vesting Order 8450]

FRIEDRICH MAERTENS ET AL.

In re: Stock and claims owned by Friedrich Maertens and others. F-28-21649-D-1, F-28-389-A-1, F-28-21649-A-1, F-28-757-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons listed in subparagraph 2, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. 97 shares of \$100 par value common capital stock of Hoffschlaeger Co., Ltd., 934 Bethel Street, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by the certificates listed below, registered in the names of and owned by the persons listed

below in the amounts appearing opposite each name as follows:

Registered owner and certificate No.:	Number of shares
Friedrich Maertens, 112	27
Herman Maertens, 113	22
Anna Badowsky, 111	48

together with all declared and unpaid dividends thereon, and

b. Those certain debts or other obligations, arising out of agency accounts, owing to Friedrich Maertens, Herman Maertens, and Anna Badowsky, by the Bishop Trust Company, Limited, P. O. Box 2390, Honolulu 4, T. H., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons listed in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2931; Filed, Mar. 27, 1947;
8:47 a. m.]

[Vesting Order 8451]

SHINICHI SERA

In re: Claim owned by Shinichi Sera, F-39-1545-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shinichi Sera, whose last known address is Hiroshima, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Shinichi Sera, by International Theatrical Co., Ltd., Aala Street

Extension, Honolulu, T. H., in the amount of \$4,866.55, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2932; Filed, Mar. 27, 1947;
8:47 a. m.]

[Vesting Order 8479]

MARTHA HONOLD

In re: Debt owing to and stock owned by Martha Honold. F-28-55-C-1, F-28-55-C-1, F-28-55-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Honold, whose last known address is Hauptmannsreute 93, Stuttgart, Germany, is a resident of Germany and a national of a designated enemy country (Germany).

2. That the property described as follows:

a. That certain debt or other obligation owing to Martha Honold, by American Electric Securities Corporation, 20 Pine Street, New York 5, New York, in the amount of \$3,780.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. Six thousand (6,000) shares of \$1.00 par value Participating Preferred stock of American Electric Securities Corporation, 20 Pine Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered NPB 3, 4, 5, 6, 7

and 8, registered in the name of Martha Honold, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2933; Filed, Mar. 27, 1947;
8:48 a. m.]

CLAIR L. FARRAND

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Clair L. Farrand, Scarsdale, N. Y.	A-390	Property described in Vesting Order No. 664 (8 F. R. 4889, Apr. 17, 1943) relating to United States Letters Patent No. 1,824,353 to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2999; Filed, Mar. 28, 1947;
8:51 a. m.]

[Vesting Order 8333]

THEODOR LOWENBERG

In re: An Undivided One-Half Interest of Theodor Lowenberg in Patent Numbers, 2,143,230 and 2,213,720.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theodor Lowenberg, whose last known address is Berlin, Germany, is a resident of Germany and a national of a foreign country (Germany);

2. That the property described as follows: An undivided one-half (½) interest in and to the following United States Letters Patent:

Patent No.	Date	Inventor	Title
2,143,230	1-10-39	Karl Franz	Production of textile threads.
2,213,720	9-3-40	do	Production of looped textile threads and yarns.

including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government to which the owner of such interest is entitled,

is property of the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2994; Filed, Mar. 28, 1947;
8:50 a. m.]

[Vesting Order 8334]

TOBIS TONBILD SYNDIKAT A. G.

In re: Patent owned by Tobis Tonbild Syndikat Aktiengesellschaft of Berlin, Germany.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tobis Tonbild Syndikat Aktiengesellschaft is a corporation organized under the laws of, and having its principal place of business in, Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Tobis Tonbild Syndikat Aktiengesellschaft;

3. That the property described as follows: All right, title and interest (including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof) in and to the following United States Letters Patent:

Patent No.	Date	Inventor	Title
1,868,877	7-26-32	Francis Hugh Brittain.	Light sensitive device.

is property of a national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2995; Filed, Mar. 28, 1947;
8:50 a. m.]

[Vesting Order 8494]

AUGUST THYSSSEN, JR.

In re: Debenture stock, bonds and gold notes owned by and debts owing to the personal representatives, heirs, next of kin, legatees and distributees of August Thyssen, Jr., deceased.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of August Thyssen, Jr., deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) certificates for Canadian Pacific Railway Company perpetual 4% consolidated debenture stock, each of \$1,000 face value, bearing the numbers 685011/15, 621606, 632536, 67187, 611736 and 617154, registered in the name of Brown Brothers Harriman & Company and presently in the custody of Union Banking Corporation, c/o Office of Alien Property, 120 Broadway, New York, New York, together with any and all rights thereunder and thereto.

b. Five (5) International Telephone & Telegraph Corporation 4½% debenture bonds, due 1952, each of \$1,000 face

value, bearing the numbers M 29055/8 and M 34066, registered in the name of Brown Brothers Harriman & Company and presently in the custody of Union Banking Corporation, c/o Office of Alien Property, 120 Broadway, New York, New York, together with any and all rights thereunder and thereto.

c. Eight (8) Hugo Stinnes Corporation 7% gold notes, due July 1, 1940, each of \$1,000 face value, bearing the numbers M 2911, M 4766/8, M 7175/7 and M 9237, registered in the name of Brown Brothers Harriman & Company and presently in the custody of Union Banking Corporation, c/o Office of Alien Property, 120 Broadway, New York, New York, together with any and all rights thereunder and thereto, and

d. Those certain debts or other obligations owing to the personal representatives, heirs, next of kin, legatees and distributees of August Thyssen, Jr., deceased, by Union Banking Corporation, c/o Office of Alien Property, 120 Broadway, New York, New York, in the aggregate amount of \$22,594.06, as of December 31, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of August Thyssen, Jr., deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2996; Filed, Mar. 28, 1947;
8:50 a. m.]

[Vesting Order 8498]

HERMANN AND ANNA WETZEL

In re: Bonds owned by and debt owing to Hermann Wetzel and Anna Wetzel. F-28-14307-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann Wetzel and Anna Wetzel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Norristown-Penn Trust Company, Main and Swede Streets, Norristown, Pennsylvania, arising out of a Cash Custodian Income Account, entitled Hermann Wetzel or Anna Wetzel, and any and all rights to demand, enforce and collect the same, and

b. Three United States of America 2½% Treasury Bonds, one (1) of \$5,000 face value, bearing the number 2023C and two (2) of \$1000 face value, bearing the numbers 63135E, 63136F, presently in the custody of Norristown-Penn Trust Company, Main and Swede Streets, Norristown, Pennsylvania, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2997; Filed, Mar. 28, 1947;
8:51 a. m.]

ANDREW A. KRAMER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of in-

tention to return on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Andrew A. Kramer, Kansas City, Mo.	A-279	Property described in Vesting Order No. 27 (7 F. R. 4629, June 23, 1942), relating to United States Letters Patent No. 2,135,573, to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3000; Filed, Mar. 28, 1947;
8:51 a. m.]

DR. WALTER R. HEARST

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Dr. Walter R. Hearst (formerly Dr. Walter Herz).	A-297	Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent No. 2,225,831, to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3001; Filed, Mar. 28, 1947;
8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 1214]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 31, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended,

I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation: Amount
Wisconsin 64AA La Crosse----- \$8,000,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-2965; Filed, Mar. 28, 1947;
8:46 a. m.]

[Administrative Order 1215]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 5, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation: Amount
Texas 59L Lamb----- \$175,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-2966; Filed, Mar. 28, 1947;
8:46 a. m.]

[Administrative Order 1216]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 7, 1947.

I hereby amend Administrative Order No. 1208, dated January 22, 1947, by changing paragraph (a) thereof to read: (a) Administrative Order No. 706, dated May 19, 1942, by changing the project designation appearing therein as "Oklahoma 2031B1 Woodward" in the amount of \$440,000 to read "Oklahoma 2031B1 Woodward" in the amount of \$334,461.64 and "Oklahoma 34B Texas" in the amount of \$105,538.36;

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-2967; Filed, Mar. 28, 1947;
8:46 a. m.]

[Administrative Order 1217]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 7, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation: Amount
Iowa 81B Union----- \$1,300,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-2968; Filed, Mar. 28, 1947;
8:46 a. m.]

[Administrative Order 1218]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 7, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
California 6L Modoc.....	\$465,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-2969; Filed, Mar. 28, 1947;
8:46 a. m.]

[Administrative Order 1219]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 7, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Kentucky 3M Jackson.....	\$580,000
Texas 76N Blanco.....	620,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-2970; Filed, Mar. 28, 1947;
8:46 a. m.]

[Administrative Order 1220]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 14, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
New Mexico 19C Colfax.....	\$165,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-2971; Filed, Mar. 28, 1947;
8:46 a. m.]

[Administrative Order 1221]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 17, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Georgia 70S Mitchell.....	\$400,000
Georgia 74R Jefferson.....	625,000
Mississippi 34K Leflore.....	700,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 47-2972; Filed, Mar. 28, 1947;
8:47 a. m.]

No. 63—5

[Administrative Order 1222]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 21, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Indiana 1K Greene.....	\$595,000
North Dakota 29B McKenzie....	355,000
Texas 7M Bell.....	200,000
Texas 97E Childress.....	185,000
Wisconsin 37N Trempealeau.....	93,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-2973; Filed, Mar. 28, 1947;
8:47 a. m.]

[Administrative Order 1223]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 25, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Texas 52H Fannin.....	\$425,000
Texas 77L Johnson.....	150,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-2974; Filed, Mar. 28, 1947;
8:47 a. m.]

[Administrative Order 1224]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 27, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Georgia 87H Tattall.....	\$220,000
Michigan 33N Charlevoix.....	585,000
North Carolina 63C Hyde.....	2,800
Texas 54W Wood.....	415,000
Texas 80M Collingsworth.....	150,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 47-2975; Filed, Mar. 28, 1947;
8:47 a. m.]

[Administrative Order 1225]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 27, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the

sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Georgia 35N Walton.....	\$335,000
Indiana 15G Fayette.....	100,000
Indiana 42L Parke.....	60,000
Mississippi 36S Marion.....	510,000
Texas 23N McCulloch.....	260,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 47-2976; Filed, Mar. 28, 1947;
8:47 a. m.]

[Administrative Order 1226]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 27, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
North Dakota 30B Steele.....	\$350,000
Oklahoma 10N Cleveland.....	212,000
South Dakota 15F Butte.....	50,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 47-2977; Filed, Mar. 28, 1947;
8:47 a. m.]

[Administrative Order 1227]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 28, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Iowa 7H Marshall.....	\$150,000
Kansas 7K Jewell.....	700,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 47-2978; Filed, Mar. 28, 1947;
8:47 a. m.]

[Administrative Order 1228]

ALLOCATION OF FUNDS FOR LOANS

MARCH 4, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Georgia 66L Taylor.....	\$300,000
Indiana 52K Ripley.....	80,000
North Carolina 33H Martin.....	117,000
Virginia 22W Caroline.....	337,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 47-2979; Filed, Mar. 28, 1947;
8:47 a. m.]

[Administrative Order 1229]

ALLOCATION OF FUNDS FOR LOANS

MARCH 10, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	Amount
Florida 29G Gadsden	\$700,000
Nebraska 44N Eastern Nebraska	
District Public	474,000
South Carolina 19P Laurens	460,000
Tennessee 17G Bolivar Public	290,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-2980; Filed, Mar. 28, 1947;
8:48 a. m.]

[Administrative Order No. 1230]

ALLOCATION OF FUNDS FOR LOANS

MARCH 12, 1947.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	Amount
Arizona 18C Maricopa	\$15,000
New Mexico 8L Roosevelt	40,000
Pennsylvania 20T Blair	50,000
Virginia 46C Crewe	12,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-2981; Filed, Mar. 28, 1947;
8:48 a. m.]

[Administrative Order 1231]

ALLOCATION OF FUNDS FOR LOANS

MARCH 12, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	Amount
North Carolina 58E Lee	\$332,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-2982; Filed, Mar. 28, 1947;
8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 896, et al.]

LOS ANGELES HELICOPTER CASE

NOTICE OF ORAL ARGUMENT

In the matter of the application of Southwest Airways Company and other applicants for certificates of public convenience and necessity under section 401

of the Civil Aeronautics Act of 1938, as amended, authorizing the establishment of new and additional air transportation services of mail and express in the greater metropolitan area of Los Angeles, California.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on April 4, 1947, 10:00 a. m. (eastern standard time), in Room 5042, Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D. C., before the Board.

Dated Washington, D. C., March 24, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-2956; Filed, Mar. 28, 1947;
8:48 a. m.]

[Docket No. 2603]

AIRLINES' NEGOTIATING CONFERENCE
AGREEMENTS INVESTIGATION

NOTICE OF ORAL ARGUMENT

In the matter of the investigation of agreements C. A. B. Nos. 738 and 739, filed under section 412 (a) of the Civil Aeronautics Act, by and between certain air carriers relating to the establishment and operation of an airlines negotiating conference.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 412 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on April 9, 1947, 10:00 a. m. (eastern standard time), in Room 5042, Commerce Building, 14th Street and Constitution Avenue, N. W., Washington, D. C., before the Board.

Dated Washington, D. C., March 21, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-2957; Filed, Mar. 28, 1947;
8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-428]

NORTHERN NATURAL GAS CO.

NOTICE OF ORDER EXTENDING TERM OF TEMPORARY CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 26, 1947.

Notice is hereby given that, on March 25, 1947, the Federal Power Commission issued its order entered March 25, 1947, order extending term of temporary certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2959; Filed, Mar. 28, 1947;
8:45 a. m.]

[Docket Nos. G-840 and G-848]

CITIES SERVICE GAS CO.

ORDER FIXING DATE OF HEARING

MARCH 25, 1947.

Upon consideration of the following applications filed by Cities Service Gas Company (Applicant), a Delaware corporation, with its principal place of business at Oklahoma City, Oklahoma, for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to construct and operate certain natural-gas pipeline facilities, and for permission to abandon certain natural-gas pipeline facilities, all as hereinafter described, and all subject to the jurisdiction of the Federal Power Commission:

(a) Application filed January 23, 1947, in Docket No. G-840, to construct and operate a meter setting at a point mutually convenient to Applicant and Georgia Oil & Gas Company on Applicant's 18-inch pipe line in the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 15, Township 28 North, Range 13 East, Washington County, Oklahoma.

(b) Application filed January 9, 1947, as amended by supplement filed on March 7, 1947, in Docket No. G-848, to construct and operate approximately one mile of 8-inch pipe line in Section 6, Township 32 South, Range 1 East, Sumner County, Kansas.

(c) By said application, as amended, filed in Docket No. G-848, Applicant seeks permission to abandon the following facilities:

(1) Approximately three and one-half miles of 8-inch pipe line formerly used to transmit gas from Wellington Compressor Station to the main line system and to the point of mixing of field and main line gas for the city of Wellington, Kansas.

(2) Approximately one mile of 8-inch pipe line formerly used to transmit a mixture of Wellington field gas and main line gas to the city of Wellington, Kansas.

(3) Approximately one mile of 6-inch pipe line formerly used to transmit gas from the main line to the point of mixture of field and main line gas for the city of Wellington, Kansas.

(4) Wellington Compressor Station including engines, compressors, buildings and other equipment used to pump gas from the Wellington, Kansas, field.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the facilities described in (a) above for the purpose of delivering and selling emergency gas to Georgia Oil & Gas Company for resale to Copan Gas Company, which in turn serves customers in Washington County, Oklahoma.

(b) Applicant proposes the construction and operation of the facilities described in (b) above for the purpose of serving the City of Wellington, Kansas, main line gas in lieu of a mixture of main line and local gas which local gas has depleted to the point where it is no longer available.

(c) Applicant proposes the abandonment of the facilities described in (c)

above because the said facilities are no longer used or useful in view of the depletion of local gas in the Wellington field.

(d) Good cause exists for consolidating the above-docketed proceedings for purposes of hearing.

(e) These proceedings are proper for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946). Applicant having requested that the aforesaid applications be heard under the shortened procedure provided by the aforesaid rule for non-contested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the applications, including publication in the FEDERAL REGISTER.

The Commission, therefore, orders that:

(A) The above-docketed proceedings be and they are hereby consolidated for purposes of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), hearings be held on the 18th day of April 1947, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law inserted in the applications filed in the above-entitled proceedings; *Provided, however*, That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may after a non-contested hearing forthwith dispose of the proceedings by orders upon consideration of the applications and the evidence filed therewith and incorporated in the record of the proceedings, together with such additional evidence as may be available or as to the Commission may require to be filed and incorporated in the record for its consideration.

(C) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946.)

Date of issuance: March 25, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2960; Filed, Mar. 28, 1947;
8:45 a. m.]

[Docket No. G-880]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF ORDER ISSUING TEMPORARY CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 26, 1947.

Notice is hereby given that, on March 22, 1947, the Federal Power Commission

issued its order entered March 21, 1947, issuing temporary certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2958; Filed, Mar. 28, 1947;
8:45 a. m.]

[Docket No. IT-6051]

NORTHWESTERN PUBLIC SERVICE CO.

NOTICE OF APPLICATION

MARCH 25, 1947.

Notice is hereby given that on March 21, 1947, an application was filed, pursuant to section 204 of the Federal Power Act, by Northwestern Public Service Company, a corporation organized under the laws of the State of Delaware and doing business in the States of South Dakota and Nebraska with its principal business office at Huron, South Dakota, seeking an order authorizing the issuance of promissory notes bearing an interest rate of 1 3/4% per annum and to be dated as of date of delivery and to mature December 31, 1947, to evidence the proposed borrowing of an aggregate principal amount of \$600,000 (exclusive of \$400,000 in short term notes now outstanding), from three banks. The proceeds of the issuance of the promissory notes are to be used to finance a portion of the cost of Applicant's construction program; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 14th day of April, 1947, file a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2961; Filed, Mar. 28, 1947;
8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396; Special Permit 150]

RECONSIGNMENT OF APPLES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Illinois, March 24, 1947, by Jack Carl Company, of car PFE 33480, apples, now on the Chicago Produce Terminal, to New York, New York (Erie RR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under

the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of March 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-2949; Filed, Mar. 28, 1947;
8:47 a. m.]

[S. O. 396, Special Permit 151]

RECONSIGNMENT OF LETTUCE AT HARRISBURG, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Harrisburg, Pennsylvania, March 24, 1947, by Harrisburg Daily Market, of car PFE 74395, lettuce, now on the Pennsylvania Railroad to H. Rothstein, Philadelphia, Pennsylvania. (P. RR.)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of March 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-2950; Filed, Mar. 28, 1947;
8:47 a. m.]

[S. O. 711]

UNLOADING OF MACHINERY AT NEW ORLEANS, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of March A. D. 1947.

It appearing, that car CGW 3814 containing machinery at New Orleans, Louisiana, on the Louisville and Nashville Railroad Company, has been on hand for an unreasonable length of time, and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action: It is ordered; that:

(a) Machinery at New Orleans, Louisiana, Be unloaded. The Louisville and

Nashville Railroad Company, its agents or employees, shall unload immediately car CGW 3814, loaded with machinery, now on hand at New Orleans, Louisiana, consigned to Oliver H. Van Horn Company.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 27, 1947, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2954; Filed, Mar. 28, 1947;
8:48 a. m.]

OFFICE OF TEMPORARY CONTROLS

Civilian Production Administration

[C-499]

FRANK J. STANKOWICZ

CONSENT ORDER

Frank J. Stankowicz, 6635 Milwaukee Avenue, Niles, Illinois, is engaged in the construction of a residential structure at 6826 Cherry Street, Niles, Illinois. He is charged with exceeding authorization on Form CPA 4386, dated November 21, 1946, in the completion of the second floor of said residential structure. Frank J. Stankowicz does not wish to contest such charge and consents to the issuance of this order.

Wherefore, upon the agreement and consent of Frank J. Stankowicz, the Regional Compliance Director and the Regional Attorney, and upon approval of

the Compliance Commissioner, *It is hereby ordered, That:*

(a) The temporary suspension order issued by telegram dated February 14, 1947 against Frank J. Stankowicz is hereby revoked.

(b) Neither Frank J. Stankowicz, his successors or assigns, nor any other person, shall do any further construction on the second floor of the residential structure being constructed at 6826 Cherry Street, Niles, Illinois, unless specifically authorized in writing by the Federal Housing Administration.

(c) Nothing contained in this order shall be deemed to relieve Frank J. Stankowicz from any restrictions, prohibitions or provisions contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 28th day of March 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3104; Filed, Mar. 28, 1947;
11:27 a. m.]

[C-507]

INDIAN ROCKS FRUIT CO., INC. CONSENT ORDER

Indian Rocks Fruit Company, Inc., of Largo, Florida, is charged by the Civilian Production Administration with violation of Veterans' Housing Program Order No. 1, as issued and amended by the Civilian Production Administration, in that subsequent to March 26, 1946, and on or about August 7, 1946, it began and carried on the construction of a commercial building to be used as a restaurant and for fruit sales at the southwest corner intersection of County Roads No. 19 and No. 21, Indian Rocks, Florida, at an estimated cost of \$18,000.00 without obtaining authorization from the Civilian Production Administration. Construction of said building was begun and carried on until a stop violation telegram was dispatched to Indian Rocks Fruit Company, Inc., on August 7, 1946, up to which time labor and materials amounting to approximately \$3,249.98 had been expended on said building. Subsequent to August 27, 1946, Indian Rocks Fruit Company, Inc., made application to the Civilian Production Administration, Tampa, Florida, for authorization to continue construction on said building, which application was denied, and an appeal was made to the Washington Office which was denied.

Indian Rocks Fruit Company, Inc., admits the violation as charged and does not desire to contest the same and has consented to the issuance of this order. Indian Rocks Fruit Company, Inc., asserts, however, that the violation which it admits, was not wilful or deliberate.

Wherefore, upon the agreement and consent of Indian Rocks Fruit Company, Inc., the Regional Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered, That:*

(a) Neither Indian Rocks Fruit Company, Inc., its successors or assigns, nor any other person shall do any further construction on the premises herein described or any part thereof located on the southwest corner intersection of County Roads No. 19 and No. 21, Indian Rocks, Florida, including the putting up, completing or altering of any structure located on said premises, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) The issuance of this consent order shall be without prejudice to the consideration on its merits of application for authorization to complete construction of the structure covered by this order.

(c) Indian Rocks Fruit Company, Inc., shall refer to this order in any application or appeal which it may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve Indian Rocks Fruit Company, Inc., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 28th day of March 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3105; Filed, Mar. 28, 1947;
11:27 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-973]

CINCINNATI GAS AND ELECTRIC CO.

FINDINGS AND ORDER GRANTING PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of March A. D. 1947.

The Philadelphia Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the \$8.50 Par Value Common Stock of Cincinnati Gas & Electric Company.

A public hearing has been held after appropriate notice.

The Commission, being duly advised, finds:

(1) That this security is listed and registered on the Cincinnati Stock Exchange and New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Philadelphia Stock Exchange for the purpose of this application is eastern Pennsylvania, southern New Jersey, and northern Delaware; that out of a total of 2,040,000 shares outstanding, members of the Philadelphia Stock Exchange and trust companies in the vicinity of that Exchange held 118,906 shares of this security on November 30, 1946 for 218 different shareholders; and that in the vicinity of this Exchange there were 1,122

transactions involving 169,005 shares from August 23, 1946 to November 30, 1946;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Philadelphia Stock Exchange for permission to extend unlisted trading privileges to the \$8.50 Par Value Common Stock of Cincinnati Gas & Electric Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-2938; Filed, Mar. 28, 1947;
8:46 a. m.]

[File No. 59-89]

EASTERN UTILITIES ASSOCIATES ET AL.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 25th day of March 1947.

The Commission having examined, pursuant to section 11 (a), 18 (a) and 18 (b) of the Public Utility Holding Company Act of 1935, the corporate structure of Eastern Utilities Associates, a registered holding company, and its subsidiary companies, the relationships among the companies in the holding company system, the character of the interests thereof and the properties owned or controlled thereby to determine the extent to which the corporate structure of such holding company system and the companies therein may be simplified, unnecessary complexities therein eliminated, voting power fairly and equitably distributed among the holders of securities thereof, and the property and business of such system confined to those necessary or appropriate to the operations of an integrated public utility system meeting the applicable standards of section 11 (b) of the act; and said examination having disclosed data establishing or tending to establish the following:

1. Eastern Utilities Associates is a voluntary association organized and existing under and by virtue of the laws of the State of Massachusetts, maintaining its principal offices for the doing of business in the City of Boston, Massachusetts.

2. The names of the subsidiary companies embraced within the holding company system of Eastern Utilities Associates and the states in which such subsidiary companies are incorporated, are as follows:

Name of Company and State of Organization

Blackstone Valley Gas & Electric Co., Rhode Island.
Brockton Edison Co., Massachusetts.
Fall River Electric Light Co., Massachusetts.
Montaup Electric Co., Massachusetts.

3. Each of the subsidiary companies embraced within the holding company system of Eastern Utilities Associates is a public utility company within the meaning of the act.

4. Blackstone Valley Gas and Electric Company owns and operates facilities for the generation, transmission, distribution and sale of electric energy (wholesale and retail) in and around the cities of Pawtucket, Woonsocket, Central Falls, the towns of Cumberland and Lincoln, and adjacent communities in the State of Rhode Island. Blackstone Valley Gas and Electric Company also owns and rents to Rhode Island Power Transmission Company, a non-affiliate company, certain transmission facilities in the State of Rhode Island. In addition, Blackstone Valley Gas and Electric Company is engaged in the manufacture and distribution of gas, for domestic and industrial purposes, in and around the cities of Pawtucket, Woonsocket, Central Falls, a part of North Providence, and several adjacent towns in the State of Rhode Island.

5. Brockton Edison Company owns and operates facilities for the generation, transmission, distribution and sale of electric energy to Brockton and 16 surrounding towns in the State of Massachusetts. Electric energy is also supplied at wholesale for part of the requirements of the Plymouth County Electric Company, a non-affiliate, and the Taunton Municipal Lighting Plant, both located in the State of Massachusetts.

6. Fall River Electric Light Company owns and operates facilities for the generation, transmission, distribution and sale of electric energy in and around the City of Fall River in the State of Massachusetts. It also sells electric energy in bulk for resale delivered at the Massachusetts-Rhode Island state line.

7. Montaup Electric Company owns and operates steam electric generating plants located on the Taunton River at Somerset, Massachusetts. It generates and supplies electric energy principally to its three parent companies, namely

Blackstone Valley Gas and Electric Company, Brockton Edison Company and Fall River Electric Light Company.

8. As of December 31, 1945, Eastern Utilities Associates had the following interest in the outstanding voting stocks of its direct subsidiary companies:

Subsidiary company	Total outstanding		Owned by Eastern Utilities Associates	
	Shares	Votes	Shares	Voting power
Blackstone Valley Gas and Electric Co.				Percent
Common	173,234	173,234	171,804	86.3
Preferred	12,942	25,884		
Brockton Edison Co.	241,368	241,368	235,138	97.4
Fall River Electric Light Co.	215,000	210,500	77,456	36.8

9. The subsidiary companies of Eastern Utilities Associates as of December 31, 1945, owned preferred and common shares of Montaup Electric Company carrying combined voting power as shown below:

	Shares of Montaup Electric Co.		Voting power	
	Preferred	Common	Amount	Percent
Blackstone Valley Gas & Electric Co.	5,000	60,000	5,060	33.44
Brockton Edison Co.	5,000	26,321	5,026	33.22
Fall River Electric Light Co.	5,000	44,082	5,044	33.34
Total	15,000	130,403	15,130	100.00

10. The capitalization and surplus per books of Eastern Utilities Associates as of December 31, 1945 are shown in the following table:

Note payable to bank	\$950,000
Common stock	16,502,468
Convertible stock	22,774,090
Capital surplus	5,126,193
Earned surplus	45,352,751
Total	

11. The capitalization and surplus per books of each subsidiary company in the holding company system of Eastern Utilities Associates, as of December 31, 1945, are shown in the following table:

	Blackstone Valley Gas Electric Co.	Brockton Edison Co.	Fall River Electric Light Co.	Montaup Electric Co.
Funded debt	\$11,187,000	\$1,900,000	\$2,000,000	\$1,500,000
Preferred stock	1,294,200			13,040,300
Common stock	8,661,700	6,034,950	5,300,000	
Premium on common stock	12,390	2,802,760	678,741	
Earned surplus	1,382,348	1,022,331	1,681,770	302,081
Total	22,537,638	11,780,041	9,660,511	14,842,381

12. Eastern Utilities Associates has outstanding two classes of shares, common and convertible. As of December 31, 1945, there were outstanding 685,700 $\frac{3}{4}$ shares of common and 789,668 shares of convertible. Each shareholder of each class is entitled to one vote on each share owned up to and including five thousand shares, and one vote only for each five shares owned in excess of

five thousand shares. The maximum voting power of the common shares is 46.5%, and of the convertible 53.5% of the combined maximum voting power. The common shares are entitled to non-cumulative dividends at the rate of \$2 per share per year before any dividends are paid on the convertible shares. The convertible shares may receive dividends up to but not exceeding \$1 per share per

year in any calendar year in which dividends at the rate of \$2 per share have been paid to or set aside for the common shares. Any dividends in excess of these amounts paid in any calendar year shall be distributed to both classes of such shares in such amount that each convertible share will receive one-half the amount received by each common share. The convertible shares are convertible into common shares in the ratio of two convertible shares to one common share, when the earnings available for distribution as dividends are at least \$2.40 per share per annum on the common shares plus \$1.20 per share per annum on the convertible shares for two consecutive years. Upon liquidation the amount to be paid each common share shall be twice the amount paid each convertible share.

13. As of December 31, 1945, the corporate capitalization and surpluses of Eastern Utilities Associates, after allocating the corporate net worth to the common and convertible shares on the basis of their respective rights in liquidation, were as follows:

	Amount	Percent	Per share
Notes payable to bank.....	\$950,000	2.09	-----
Applicable to common shares:			
Capital stock.....	10,472,365	-----	-----
Capital surplus.....	14,452,299	-----	-----
Earned surplus.....	3,253,051	-----	-----
Total.....	28,177,715	62.13	\$41.09
Applicable to convertible shares:			
Capital stock.....	6,030,102	-----	-----
Capital surplus.....	8,321,792	-----	-----
Earned surplus.....	1,873,142	-----	-----
Total.....	16,225,036	35.78	20.55
Total capitalization and surpluses.....	45,352,751	100.00	-----

14. As of December 31, 1945, the consolidated capitalization and surpluses of Eastern Utilities Associates, after allocating the consolidated net worth to the common and convertible shares on the basis of their respective rights in liquidation, were as follows:

	Amount	Percent	Per share
Funded debt of subsidiaries.....	\$13,087,000	21.58	-----
Preferred stocks of subsidiaries.....	1,294,200	2.13	-----
Minority interests, including premiums.....	338,706	.56	-----
Note of Eastern Utilities Associates.....	950,000	1.57	-----
Applicable to common shares:			
Capital stock.....	10,472,365	-----	-----
Capital surplus.....	14,452,299	-----	-----
Earned surplus—subsidiaries.....	354,357	-----	-----
Earned surplus—Eastern Utilities Associates.....	3,253,051	-----	-----
Total.....	28,532,072	47.06	\$41.61
Applicable to convertible shares:			
Capital stock.....	6,030,102	-----	-----
Capital surplus.....	8,321,792	-----	-----
Earned surplus—subsidiaries.....	204,043	-----	-----
Earned surplus—Eastern Utilities Associates.....	1,873,142	-----	-----
Total.....	16,429,079	27.10	20.81
Total capitalization and surpluses.....	60,631,057	100.00	-----

15. For the years 1938 to 1945, inclusive, the respective claims to corporate gross income per books of the securities of Eastern Utilities Associates were as follows:

	Gross income	Fixed charges		Common stock		Convertible stock	
		Amount	Percent	Amount	Percent	Amount	Percent
1938.....	\$1,447,401	\$46,721	3.23	\$1,371,402	94.75	\$29,278	2.02
1939.....	1,538,397	49,200	2.68	1,371,402	74.60	417,796	22.73
1940.....	1,733,423	41,168	2.37	1,371,402	79.12	320,853	18.51
1941.....	1,621,012	31,875	1.97	1,371,402	84.60	217,736	13.43
1942.....	1,323,078	21,114	1.60	1,301,964	98.40	0	0
1943.....	1,324,403	20,877	1.58	1,303,526	98.42	0	0
1944.....	1,410,649	19,596	1.39	1,371,402	97.22	19,681	1.39
1945.....	1,424,852	18,093	1.27	1,371,402	96.25	35,358	2.48
Average.....	1,515,402	31,077	2.05	1,356,738	89.53	127,587	8.42

	Gross income	Fixed charges		Preferred dividend requirements of subsidiaries		Minority interest		Eastern Utilities Associates			
		Amount	Percent	Amount	Percent	Amount	Percent	Common stock		Convertible stock	
1938.....	\$2,187,353	\$579,909	26.51	\$77,652	3.55	\$21,721	0.99	\$1,371,402	62.70	\$136,669	6.25
1939.....	2,389,878	487,747	20.33	77,652	3.24	26,010	1.08	1,371,402	57.17	436,068	18.18
1940.....	2,298,328	475,975	20.71	77,652	3.38	24,026	1.05	1,371,402	59.67	349,273	15.20
1941.....	2,157,045	466,815	21.64	77,652	3.60	22,320	1.03	1,371,402	63.58	218,857	10.15
1942.....	2,032,313	478,664	23.55	77,652	3.82	20,552	1.01	1,371,402	67.48	84,043	4.14
1943.....	1,993,367	537,148	26.95	77,652	3.89	18,978	.95	1,371,402	68.80	(11,813)	(.59)
1944.....	2,013,909	462,002	22.94	77,652	3.86	20,640	1.02	1,371,402	68.10	82,213	4.08
1945.....	2,061,702	452,415	21.94	77,652	3.77	22,421	1.09	1,371,402	66.52	137,812	6.68
Average.....	2,142,862	492,584	22.99	77,652	3.62	22,084	1.03	1,371,402	64.00	179,140	8.36

¹ The noncumulative dividend of \$2 per share per annum to which the 685,700 $\frac{1}{2}$ common shares are entitled before the convertible shares may receive dividends exceeded the consolidated income available therefor by the amount of \$11,813.

NOTE: EUA does not consolidate the accounts of the Fall River Electric Light Co. with its own accounts. The table reflects, therefore, only dividend income received by EUA from Fall River Electric Light Co. and excludes fixed charges thereof.

17. Pursuant to certain contracts, Eastern Utilities Associates and its subsidiary companies (except Fall River Electric Light Company), each and severally, have entered into contracts with Stone & Webster Service Corporation, Boston, Massachusetts, whereby the latter company furnishes Eastern Utilities Associates and its subsidiary companies certain management, supervisory and other services, including general advice and assistance on executive and administrative policies, budget control, financial, taxation, corporate, insurance and other matters incident to the operation and business of Eastern Utilities Associates and its subsidiary companies.

18. The foregoing allegations, and the facts otherwise disclosed to the Commission in the course of its investigation, indicate or tend to indicate that:

a. The corporate structure of Eastern Utilities Associates unduly and unnecessarily complicates the structure of Eastern Utilities Associates holding company system.

b. The corporate structure of Eastern Utilities Associates unfairly and inequitably distributes voting power among the security holders of the Eastern Utilities Associates holding company system.

c. The continued existence of Eastern Utilities Associates unduly and unnecessarily complicates the corporate structure and unfairly and inequitably distributes voting power among the security holders of the holding company system.

16. For the years 1938 to 1945, inclusive, the respective claims to consolidated gross income of the securities of Eastern Utilities Associates and its subsidiary companies were as follows:

d. The gas properties of Blackstone Valley Gas and Electric Company are not retainable in the Eastern Utilities Associates holding company system as they are not a part of the holding company system's single integrated electric utility system and do not conform to the requirements of section 11 (b) (1), particularly clauses (A) and (C) thereof, with respect to additional integrated public utility systems.

It appearing to the Commission, on the basis of the allegations hereinbefore set forth, that proceedings should be instituted under sections 11 (b) (1), 11 (b) (2), 15 (f) and 20 (a) of the act with respect to Eastern Utilities Associates and its subsidiaries to determine what steps, if any, should be taken by such companies pursuant to the provisions of said sections;

It is ordered, That proceedings be and the same are hereby instituted pursuant to sections 11 (b) (1), 11 (b) (2), 15 (f) and 20 (a) of the act, with respect to Eastern Utilities Associates and its subsidiary companies, Blackstone Valley Gas and Electric Company, Brockton Edison Company, Fall River Electric Light Company and Montaup Electric Company.

It is further ordered, That Eastern Utilities Associates and each of its subsidiary companies hereinbefore named and included herein, all of which are hereby made Respondents in these proceedings shall file with the Secretary of this Commission, on or before fifteen days prior to the date hereinafter fixed for said hearing, their joint and several

answers in the form prescribed by Rule U-25, admitting, denying, or otherwise explaining their respective positions as to each of the allegations set forth in paragraphs 1 through 18 hereof.

It is further ordered, That a hearing on such matters, under the applicable provisions of the act and the rules of the Commission thereunder, be held on the 6th day of May 1947, at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, at which time respondents and any other interested persons will be heard with respect to the matters and questions hereinafter set forth.

It is further ordered, That Allen MacCullen or any other hearing officer or hearing officers designated by the Commission to preside at such hearing shall exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That the specific matters of fact and law to be considered and determined at said hearing (subject to such amendment as may hereafter be made and subject to the consideration and determination of such other issues as may be raised by interested parties), are the following:

1. Whether or not the allegations contained and set forth in paragraphs 1 to 17 inclusive are true and correct.
2. Whether the corporate structure of the Eastern Utilities Associates unduly and unnecessarily complicates the structure of Eastern Utilities Associates holding company system.
3. Whether the corporate structure of Eastern Utilities Associates unfairly and inequitably distributes voting power among the security holders of the Eastern Utilities Associates holding company system.
4. Whether the continued existence of Eastern Utilities Associates unduly and unnecessarily complicates the corporate structure or unfairly and inequitably distributes voting power among the security holders of the holding company system.
5. Whether the gas properties of Blackstone Valley Gas and Electric Company are retainable as part of the Eastern Utilities Associates system's single integrated electric utility system and whether such gas properties conform to the requirements of clauses (A) and (C) of section 11 (b) (1) with respect to additional integrated public utility systems.
6. Whether and to what extent it may be necessary or appropriate to require changes in or termination of the managerial and service contracts referred to in paragraph No. 17 above, in the light of the requirements of section 11 (b) (1) and 11 (b) (2) of the act, or otherwise.
7. Whether the amounts recorded on the books of Eastern Utilities Associates are in accordance with the rules and regulations of this Commission and the Uniform System of Accounts for public utility holding companies.
8. To determine what steps and action, if any, should be taken by Eastern Utilities Associates or its subsidiary companies

in order that Eastern Utilities Associates and its subsidiaries may comply with the requirements of sections 11 (b) (1) and 11 (b) (2) of the act.

It is further ordered, That any person desiring to be heard in connection with these proceedings, or proposing to intervene herein, shall file with the Secretary of the Commission, on or before the day of April 21, 1947, his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission. Such request shall set forth the nature of such person's interest in the proceedings, the reasons for requesting to be heard or to intervene, which of the allegations and issues, as set forth above, such person proposes to controvert, together with a statement of any additional issues proposed to be raised to the proceedings herein instituted.

It is further ordered, That jurisdiction be and hereby is reserved to separate, either in whole or in part, or for disposition in whole or in part, any of the issues or questions which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt and economic disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this notice and order by registered mail to Eastern Utilities Associates and to each of its subsidiaries named in paragraph 2 above, the Public Utility Commission of the State of Massachusetts, the Public Utility Administrator of the State of Rhode Island and the Director of the Department of Business Regulation of that State, not less than 20 days prior to the date hereinbefore fixed as the date of the hearing; and that notice of said hearing is hereby given to all security holders of Eastern Utilities Associates and its subsidiaries and to their consumers, to all municipalities and other political subdivisions of States within which are located any of the physical assets of said companies or under the laws of which any of said companies are incorporated, all State Commissions, State Securities Commissions, and all agencies, authorities and instrumentalities of one or more States, municipalities, or other political subdivisions having jurisdiction over Eastern Utilities Associates or its subsidiaries or any of the businesses, affairs, or operations of any of them, and to all other interested persons, by publication of this notice and order in the FEDERAL REGISTER not later than 20 days prior to the date hereinbefore fixed as the date of hearing, and by a general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 47-2937; Filed, Mar. 28, 1947;
8:46 a. m.]

[File No. 70-1420]

NORTH AMERICAN CO.

ORDER AMENDING ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of March 1947.

The Commission having on February 26, 1947 issued an order herein permitting the declaration of The North American Company to become effective with respect to the sale of its holdings of 41,000 shares of the capital stock of The St. Louis County Gas Company to Laclede Gas Light Company, a non-affiliate, for a cash consideration of \$11,250,000, subject to certain adjustments, and the use of the entire proceeds of this sale for the prepayment, without premium, of a portion of The North American Company's Bank Loan Notes of Series G outstanding in the principal amount of \$26,375,000, in accordance with the terms of such Notes and for the consideration specifically designated therein, and granting the request of The North American Company for exemption for the sale of such 41,000 shares of the capital stock of The St. Louis County Gas Company from the competitive bidding requirements of Rule U-50; and

The Commission having, at the request of The North American Company, made certain specifications and itemizations necessary pursuant to the requirements of the provisions of Supplement R of Chapter I and section 1808 (f) of Chapter II of the Internal Revenue Code, as amended; and

The North American Company having requested that the last paragraph of said order of February 26, 1947 reciting the aforesaid specifications and itemizations be amended as of February 26, 1947 for the purpose of making it more specific in certain respects, and it appearing to the Commission that such request may appropriately be granted;

It is hereby ordered, That the order of this Commission in these proceedings, dated February 26, 1947, be and is hereby amended, effective as of February 26, 1947, by striking out the last paragraph of said order and substituting therefor the following paragraph:

It is further ordered and the Commission finds, That the proposed sale and transfer by The North American Company of the 41,000 shares of capital stock of The St. Louis County Gas Company (represented by certificates numbers 15, 16, 21, 35, 44, 47, 49, 50, 65, A-10, A-11, A-12, A-13, A-16, A-17, A-18, A-20, and A-21) and the proposed expenditure by The North American Company of the proceeds of such sale in payment of its Bank Loan Notes of Series G, all as authorized or permitted by this order, are in accordance with and in obedience to the order of this Commission dated April 7, 1945, are necessary or appropriate to the integration or simplification of the holding company system of which The North American Company is a member and are necessary or appropriate to effectuate the provisions of section 11 (b)

NOTICES

of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 47-2940; Filed, Mar. 28, 1947;
8:46 a. m.]

[File No. 70-1474]

MILWAUKEE ELECTRIC RAILWAY AND TRANSPORT CO. AND WISCONSIN ELECTRIC POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of March 1947.

The Milwaukee Electric Railway and Transport Company, a wholly-owned subsidiary of Wisconsin Electric Power Company, and said Wisconsin Electric Power Company, a subsidiary of The North American Company, a registered holding company, having filed a joint declaration and application pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 (the act) and the rules and regulations promulgated thereunder, relating to the proposal of The Milwaukee Electric Railway and Transport Company to redeem on April 16, 1947, at the principal amount thereof plus accrued interest, \$1,050,000 principal amount of its First Mortgage 4% bonds due 1968, out of a total outstanding of \$5,050,000, all owned by Wisconsin Electric Power Company, and the proposal of Wisconsin Electric Power Company to surrender the bonds on the basis described; and

The joint declaration-application having been filed on the third day of March 1947, and notice of filing having been duly given in the manner and form prescribed by Rule U-23 under the act, and the Commission not having received a request for a hearing with respect to the joint declaration-application within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of section 12 (c) and Rule U-42 are satisfied, that no adverse findings are necessary thereunder; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application and to permit the said declaration to become effective;

It is hereby ordered, That, pursuant to Rule U-23 and the applicable provisions of the act, said joint application be, and the same is hereby, granted and the joint declaration be, and the same is hereby,

permitted to become effective, subject, however, to the terms and conditions prescribed by Rule U-24 of the general rules and regulations.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 47-2939; Filed, Mar. 28, 1947;
8:46 a. m.]

[File No. 70-1487]

ATLANTIC CITY ELECTRIC CO.

NOTICE OF FILING DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of March A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Atlantic City Electric Company ("Atlantic City"), an electric utility subsidiary of American Gas and Electric Company, a registered holding company. Declarant designates section 7 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 1, 1947, at 10:30 a. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after April 1, 1947 at 10:30 a. m., e. s. t. said declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Atlantic City proposes to amend its charter in the following respects: (a) To provide for preemptive rights to stockholders with respect to any offering of common stock or security convertible into common stock for money other than with respect to a public offering of such shares; (b) to provide that the consideration received by the company from the issuance and sale of any additional

shares of common stock without par value shall be entered in the capital stock account; (c) to provide for cumulative voting for the holders of shares of common stock.

Declarant requests that the Commission's order permitting the declaration to become effective be issued as promptly as may be practicable and that it shall be effective forthwith.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 47-2941; Filed, Mar. 28, 1947;
8:47 a. m.]

SELECTIVE SERVICE SYSTEM

[No. 330]

CERTIFICATES OF SERVICE

ORDER PRESCRIBING FORMS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Addition of new forms designated as follows:

DSS Form 37, entitled "Certificate of Service (National)."¹

DSS Form 37-A, entitled "Certificate of Service (Local Board Members)."¹

DSS Form 37-B, entitled "Certificate of Service (Appeal Board Members)."¹

DSS Form 37-C, entitled "Certificate of Service (Government Appeal Agents)."¹

DSS Form 37-D, entitled "Certificate of Service (Reemployment Committeemen)."¹

DSS Form 37-E, entitled "Certificate of Service (Examining Physicians)."¹

DSS Form 37-F, entitled "Certificate of Service (Examining Dentists)."¹

DSS Form 37-G, entitled "Certificate of Service (Associate Government Appeal Agents)."¹

DSS Form 37-H, entitled "Certificate of Service (Members Medical Advisory Board)."¹

DSS Form 37-I, entitled "Certificate of Service (Members Advisory Board for Registrants)."¹

DSS Form 37-J, entitled "Certificate of Service (Advisors, Medical Survey Program)."¹

DSS Form 37-K, entitled "Certificate of Service (Medical Field Agents)."¹ and

DSS Form 37-L, entitled "Certificate of Service (State)."¹

The foregoing addition shall become a part of the Selective Service Regulations effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register.

[SEAL]

LEWIS B. HERSHEY,
Director.

FEBRUARY 10, 1947.

[F. R. Doc. 47-2993; Filed, Mar. 28, 1947;
8:50 a. m.]

¹ Filed as part of the original document.